

**Notice of Guangzhou Intermediate People's Court on
Issuing *Several Provisions on Electronic Service (for Trial
Implementation)***

Sui Zhong Fa [2020] No. 36

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

For the purpose of further improving the efficiency of litigation instruments service, saving litigation costs, serving and guaranteeing the optimization of the business environment, implementing the pilot work of the reform of separation between complicated cases and simple ones under civil procedure of the Supreme People's Court, and combining the actual trial work of Guangzhou courts, these Provisions are hereby formulated, which have been discussed and adopted by the Judicial Committee of our court on February 26, 2020, and are hereby issued to you. Please implement it in light of real situation.

Guangzhou Intermediate People's Court
February 27, 2020

Several Provisions on Electronic Service (for Trial Implementation)

1. For the purpose of further improving the efficiency of litigation instruments service, saving litigation costs, and serving and guaranteeing the optimization of the business environment, in accordance with the *Civil Procedure Law of the People's Republic of China* and the Measures for the Implementation of the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure of the Supreme People's Court, in light of the actual trial work of Guangzhou courts, these Provisions are hereby formulated.

2. Electronic service mentioned in these Provisions refers to the service of relevant litigation instruments through the electronic service platform by electronic means such as e-mail, SMS, WeChat, fax, voice recording phone, 12368 voice notices, which are different from traditional service of hardcopy documents by post.

3. With the consent of the persons being served, the people's court may electronically serve the notices of case acceptance, subpoenas, notices of proof, notice of response, notices of payment, notices of objection, notices of hearing, decisions and other procedural litigation instruments and the answer and evidence submitted by the parties for civil and commercial cases (including bankruptcy liquidation cases, compulsory liquidation cases and derivative cases, the same below), criminal cases, enforcement cases and state compensation cases.

Under any of the following circumstances, the people's court may determine that the person being served has consented to electronic service:

3.1. The person being served expressly gives his or her consent.

3.2. The person being served has agreed that electronic service applies to the litigation.

3.3. The person being served voluntarily provides an electronic address for service in the complaint or answer filed.

3.4. The person being served accepts the completed electronic service by returning a receipt, participating in the litigation, and other means, without expressly disagreeing on electronic service.

Cases using electronic service shall no longer be served in hardcopy by post.

4. After receiving the express consent of the person being served, the court may electronically serve adjudicative instruments such as judgments, rulings, and mediation. If a party so requests, the court shall provide hardcopy adjudicative instruments.

5. The filing window is responsible for guiding the person being served of the case to choose the electronic service method, and fill in the *Confirmation of the Electronic Service Address for Litigation Instruments*. It shall accurately register information such as identification card number or organization code, lawyer's practice license number, mobile phone number, e-mail address, etc.

The electronic service address as stipulated in the civil and commercial contracts such as insurance contracts and financial contracts or registered at the

time of enterprise registration may be used as the confirmed address for the service of litigation instruments.

If the person being served expressly agrees to the electronic service through a notarized recorded phone call, the electronic service address confirmed in the phone call may be used as the confirmed address for the service of litigation instruments.

The person being served may use the special e-mail address provided free of charge by the court, or fill the ordinary e-mail address confirmed to be used in the confirmation of service address.

6. The electronic service addresses of other litigation participants provided by the parties in the litigation shall be true and valid, and accurately filled in the *Confirmation of Electronic Service Address for Litigation Instruments*.

If the party intentionally provides false phone numbers or e-mail addresses of other litigation participants, knows the phone numbers or e-mail addresses of other litigation participants, but conceals and fails to provide them, resulting in inability or failing to serve the litigation instruments in a time manner, which affects the normal proceeding of the trial procedure, it may be punished in accordance with the principle of violating the good faith litigation.

7. If a case is filed through the online filing method and the person being served confirms the electronic service address, in principle, electronic service shall be used, and no other service method shall be used without special reason.

If the person being served is a legal person or other organization, the administrator of a bankruptcy liquidation case or a compulsory liquidation case, or entrusts a lawyer to act on its behalf in the litigation, priority shall be given to the electronic service of litigation instruments.

8. If the person being served disagree with the electronic service, under the premise of strictly complying with the relevant conditions for the use of electronic service in the *Civil Procedure Law of the People's Republic of China* and its judicial interpretation, the cooperation with large portals and communication operators may be taken to serve the litigation instruments other than judgments, rulings, and mediations by means of recorded phone call, pop-up text messages, etc. through channels such as special e-mails, specific communication numbers, and information public numbers checked and verified.

The service personnel shall check and keep the receiving and sending records of the specific e-mail address, communication number and information public number of the person being served and the file of the litigation instruments served for future reference.

9. With the consent of the person being served, the court initiates electronic service through the electronic service platform. The specific operation method is as follows:

9.1. The court retrieves the phone number from the special service information database, dials the recording phone call to verify the identity, electronic service address and notify the service matters orally;

9.2. The court sends an electronic service notice message to the mobile phone number confirmed by the person being served, informing it of the content of the service and the guidelines for obtaining written litigation instruments;

9.3. After receiving the short message, the person being served may log in

Wechat applet "Micro-court Service Platform" or email and by other means to obtain written litigation instruments;

9.4. After the litigation instruments arrive at the "Micro-court Service Platform", the person being served needs to log in through identity verification or mobile phone number verification, and the system will automatically generate the service receipt after the digital signature of the person being served is received;

9.5. Where the court serves the special e-mail address provided free of charge to the person being served, the service information shall be deemed already served when it arrive at the system where the e-mail address is located;

9.6. If the court serves the e-mail address voluntarily provided by it or confirmed by the person being served, or the e-mail address of the person being served obtained by the court who fails to actively provide or confirm the e-mail address, the system where the e-mail address is located reports that the person being served has read it, or there is other evidence to prove that the person being served has received it, it is presumed that the effective service has been completed, unless the person being served can prove that there is a system error or the service address is not used by him or it is not read by him and other exceptions that service content is not received.

If the recorded phone call is successful and the pop-up text message is sent successfully, it shall be deemed already served;

If it is served by multiple means at the same time, the date of first service shall prevail.

If the effective service is completed, the court shall prepare the corresponding electronic service voucher. The electronic service voucher shall have the effect of the service receipt.

10. The person being served shall ensure that the electronic service address provided is true and accurate. After confirming the electronic service address, the address shall remain effective in all judicial procedures including first instance, second instance, retrial (including application for retrial, petition review) and enforcement.

If the person being served provides a false address or the electronic service address is inaccurate, the electronic service address is changed but the court is not notified in time, and the person being served refuses to sign, resulting in the litigation instruments fail to be actually received by the person being served, the date when the electronic litigation instruments arrive at the e-mail system, WeChat applet, mobile phone number or other instant messaging account confirmed by the enterprise is the date of service. If it is served by multiple means at the same time, the date of the last service shall prevail.

11. The filing judge and the handling judge shall log in the case trial system to check the electronic service status in a timely manner, and if the electronic service is found to be unsuccessful, the electronic service shall be enabled again after troubleshooting or force majeure are eliminated.

If the electronic service cannot be conducted for another time due to network failure or force majeure, it shall be served by other legal means.

12. The intermediate court of the city is the lead department for electronic service. It is responsible for electronic service management, supervision, business guidance, and work assessment. Electronic service is included in the performance

assessment of each department.

The assessment follows the principle of "Whoever handles, who is responsible". The filing court of the intermediate court of the city is responsible for supervising the use of electronic service by the basic courts and the departments of the intermediate court of the city, and regularly inspects and reports it. For any individual by whom the electronic service shall be applied to, but is not applied to, and the basic courts and the departments with low use rate of electronic service, it shall report and guide, while the Science and Information Division and each trial business department of the intermediate court of the city shall cooperate.

13. The filing departments of the courts at two levels shall publicize and promote the use of electronic service in various forms and through channels in public areas such as the filing hall or litigation service center.

14. All basic courts and departments of the intermediate courts of the city shall designate special persons to be responsible for communication and coordination of electronic service, data reporting, and work supervision.

15. When filing a case, the filing court shall actively guide the person being served to choose the electronic service. The filing personnel, the assistant to the judge, and the clerk shall accurately enter the electronic service address when entering the case information, and confirm whether the party has chosen the electronic service in the system.

Each relevant business department is responsible for the re-publicity of electronic service, information entry and electronic service of instruments during the case handling stage. Where the person being served has not yet chosen electronic service, the handling judge, the assistant to the judge and the clerk shall actively guide him/her to choose the electronic service.

16. The Science and Information Division of the intermediate court of the city shall be responsible for the technical service and guarantee of the electronic service, optimizes the intelligent service platform, and explores the authenticity procedure for the adjudicative instruments. It shall achieve to keep traces throughout the service process, service reminders, and inquiries at any time; timely feedback on the service results of e-mail, WeChat, SMS, voice reminders and other electronic service methods, and generate electronic service vouchers for the case for future check and filing; automatically count the data related to electronic service mentioned in this opinion, regularly count the number of electronic service cases, the number of times of use, and the proportion of use of electronic service by each basic court and each department of the intermediate court, and announce it in the intranet electronic service column, the content of the announcement shall be fit for the type of electronic service method and the individual data of each basic court and each department of the intermediate court.

17. These Provisions are applicable to people's courts at both levels in Guangzhou and shall be implemented as of the date of issuance. If the relevant prior regulations are inconsistent with these Provisions, these Provisions shall prevail.

18. The power to interpret these Provisions shall remain with Guangzhou Intermediate People's Court.

Issued by the General Office of the Guangzhou Intermediate People's Court on

February 28, 2020