**Online Litigation Rules of the People’s Courts**

Online Litigation Rules of the People’s Courts, as adopted at the 1,838th meeting of the Adjudication Committee of the Supreme People’s Court on May 18, 2021, are hereby promulgated and shall take effect on 1 August 2021.

The Supreme People’s Court

June 16, 2021

**Online Litigation Rules of the People’s Courts**

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(Adopted at the 1,838th meeting of the Adjudication Committee of the Supreme People’s Court on May 18, 2021, and effective as of August 1, 2021)

The Rules are enacted in accordance with *the Criminal Procedure Law of the People’s Republic of China*, *the Civil Procedure Law of the People’s Republic of China*, *the Administrative Procedure Law of the People’s Republic of China* and other relevant laws, in light of actual practices of the People’s Courts, for the purpose of promoting and regulating online litigation, improving the rules for online litigation, protecting the legal rights of the parties and other participants in an action, and ensuring the impartiality and efficiency in adjudicating cases.

**Article 1** The People’s Courts, the parties and other participants in an action may use the electronic litigation platform (hereinafter referred to as “litigation platform”) to conduct all or part of the procedures online, such as case filing, mediation, exchange of evidence, inquiry, trial and service, via the Internet or private networks.

Online litigation shall have the same legal effect as offline litigation.

**Article 2** When conducting online litigation, the People’s Courts shall comply with the following principles:

(1) the principle of impartiality and efficiency. The People’s Courts shall conduct online litigation in accordance with the relevant laws, streamline trial process, improve working mechanisms, and provide technical support to enhance judicial efficiency and ensure judicial fairness.

(2) the principle of legality and voluntariness. The right of the parties and other participants in an action to choose the method of litigation shall be respected and protected. Without the consent of the parties and other participants in an action, the People’s Courts shall not conduct online litigation in any mandatory manner.

(3) the principle of protecting the parties’ rights. The People’s Courts shall fully protect the procedural rights of the parties, strengthen the courts’ obligations of reminding, explaining to and informing the parties, and avoid reducing any procedures or impairing the parties’ procedural rights and interests arbitrarily.

(4) the principle of providing convenience to the people. The People’s Courts shall, by optimizing online litigation services, improving the function of litigation platform and promoting the application of information technology, reduce the ligation costs for the parties, and increase the efficiency of disputes resolution. The People’s Courts shall also take into account the needs of different groups in litigation, and provide more guidance and convenience to the vulnerable groups such as the minors, the elderly and the disabled.

(5) the principle of security and reliability. The People’s Courts shall, in accordance with the relevant laws, safeguard national security, protect State secrets, trade secrets, personal privacy and personal information, and ensure the security of online litigation data. The People’s Courts shall regulate the application of technology to ensure technology neutrality and platform neutrality.

**Article 3** The People’s Courts may, after comprehensively considering relevant factors such as the circumstance of the case, the willingness of the parties and the technical conditions, apply online litigation to the following cases:

(1) civil and administrative cases;

(2) criminal cases applicable to expedited procedure, commutation and parole cases, and other criminal cases that are not appropriate to be tried offline because of special reasons;

(3) civil cases applicable to special proceeding, debt recovery proceeding and bankruptcy proceeding, and non-litigation cases of enforcement review;

(4) civil and administrative enforcement cases, and civil enforcement cases collateral to criminal proceedings; and

(5) other cases appropriate to be tried online.

**Article 4** When conducting online litigation, the People’s Courts shall obtain the consent of the parties, and inform the parties of the specific procedures, main forms, rights and obligations, legal consequences, and operation methods of online litigation.

The People’s Courts shall, based on the parties’ declarations of intention concerning online litigation, handle the case in the following manners:

(1) if the parties voluntarily choose to apply online litigation, the People’s Courts may no longer ask for their consent, and the corresponding procedures may directly proceed online;

(2) if all parties agree to apply online litigation, the corresponding procedures may proceed online;

(3) if some parties agree to apply online litigation while others disagree, the corresponding procedures may be conducted online for the agreeing parties and offline for the disagreeing parties respectively; and

(4) if the parties only voluntarily choose or agree to apply online litigation to some parts of the proceedings, the People’s Courts shall not presume that the parties concerned have agreed to apply online litigation to the other parts of the proceedings.

To apply online litigation to cases in which the People’s Procuratorate participates, the consent of the People’s Procuratorate shall be obtained.

**Article 5**  During online litigation, if a party lacks the capacity to apply online litigation, the party concerned does not have the conditions for online litigation, or some parts of the proceedings are inappropriate to proceed online, the People’s Courts shall switch the corresponding proceedings from online to offline.

If a party has agreed to apply online litigation to some parts of the proceedings but regrets later, the party concerned shall revoke his/her consent within a reasonable time before the corresponding procedures are conducted. Upon review, if the People’s Courts consider that no inappropriate circumstance exists, such as intentional delay of the litigation, the corresponding proceedings may proceed offline.

In procedures such as mediation, exchange of evidence, inquiry, hearing and court trial, the party who requests other parties and participants in the action to take part in the litigation offline shall provide specific reasons for the request. Upon review, the People’s Courts may decide the corresponding procedures to be conducted offline if the case is complicated, requires a witness to testify before the court, or necessary to present and examine evidence or to present statements and debate offline.

**Article 6**  If a party has agreed to apply online litigation, but fails to participate in the litigation or fails to conduct certain procedural acts without good cause, meanwhile, he/she fails to apply for switching to offline litigation within a reasonable time, the party concerned shall bear the adverse legal consequences in accordance with the relevant provisions of laws and judicial interpretations.

**Article 7**  Participants of online litigation shall first register with real names on the litigation platform. The People’s Courts shall verify the participant’s real-name mobile phone number, identity card number, passport number, and unified social credit code by online comparison of identity certificates or online identification in identity authentication platforms, to confirm the authenticity of the participant’s identity. After online identity verification, the participant will receive an exclusive account for logging into the litigation platform.

Online litigation participants shall properly keep their exclusive accounts and passwords for logging into the litigation platform. Except for situations where evidence could prove that the exclusive account had been stolen or a system error had occurred, acts conducted on the litigation platform logged into with the exclusive account shall be deemed as acts conducted by the authenticated account owner himself/herself.

When conducting mediation, exchange of evidence, court trial and other procedures online, the People’s Courts shall verify the identities of the participants in the action again; if necessary, the identities of the participants shall be further verified offline.

**Article 8**  The People’s Courts, specially-invited mediation organizations, and specially-invited mediators, may conduct online mediation via the litigation platform or the mediation platform of the People’s Courts. Online mediation shall be conducted in accordance with the relevant provisions of laws and judicial interpretations, and shall protect State secrets, trade secrets, personal privacy, and other information that is inappropriate to be disclosed in accordance with the relevant laws.

**Article 9** Where a party submits complaint materials online, the People’s Courts shall, within the statutory period upon receiving the materials, handle the case online in the following manners:

(1) if the conditions for filing a lawsuit are met, the People’s Courts shall register the case, and serve the notice of acceptance of the case, the notice of payment of litigation costs, the notice of presentation of evidence and other litigation documents;

(2) if the materials submitted are unqualified, the People’s Courts shall promptly notify the parties to supplement or correct. The required supplement or correction and the deadline for submission shall be informed in a one-off manner. The acceptance date of the case shall be recalculated from the day following the receipt of the supplemental or correctional materials; or

(3) if the conditions for filing a lawsuit are not met or the complaint materials are still unqualified after supplementation or correction, and the plaintiff insists on filing the lawsuit, the People’s Courts shall rule the People’s Courts shall rule not to accept the action or not to file the case in accordance with the relevant laws.

If the parties have submitted qualified complaint and other materials online, the People’s Courts shall not require the parties to submit hard copies.

The rules for online acceptance of appellate cases, retrial applications, cases applicable to special procedures and enforcement cases, shall be handled with reference to the first and second paragraphs of this Article.

**Article 10** For a case applicable to online litigation, the People’s Courts shall notify the defendant, the appellee and other participants in the action and inquire on their willingness to apply online litigation. If the notified person consents to the application of online litigation, he/she shall verify his/her identity and relate to the case on the litigation platform within three days upon the receipt of the notice, and shall learn about the case progress, receive and submit litigation materials, and conduct other procedural acts via the litigation platform.

If the notified person does not expressly consent to the application of online litigation, and fails to register with and log into the litigation platform within the period stipulated by the People’s Courts, the relevant parts of the litigation involving him/her shall be conducted offline.

**Article 11**  The parties may directly fill in the statement of claim, statement of defense, statement of counterclaim, opinion of agent ad item and other litigation documents on the litigation platform.

The parties may convert paper documents or evidentiary materials used in offline litigation into electronically stored information by scanning, duplicating, transcribing or other means, and then upload the information to the litigation platform. If the litigation materials are in the form of electronic data and are preserved in another platform which has been connected to the litigation platform, the parties may submit such data to the litigation platform directly.

If it is difficult for a party to submit electronically stored information, the People’s Courts may assist the party in converting the hard copy materials into digital format, and then upload the digital materials to the litigation platform.

**Article 12**  Electronically stored information submitted by the parties may, after reviewed and approved by the People’s Courts, be directly used in the litigation. Under any of the following circumstances, the People’s Courts shall require the parties to provide the original documents or objects:

(1) if the adverse party deems that the electronically stored information is inconsistent with the originals and provides reasonable grounds and basis;

(2) if the electronically stored information is incomplete, unclear in content, or in a non-standard format;

(3) if the files and archives management regulations of the People’s Courts require the originals to be provided; or

(4) if the People’s Courts deem it necessary to submit the originals.

**Article 13**  If the electronically stored information submitted by a party falls under any of the following circumstances, may be deemed to have satisfied the substantive requirements of the original form by the People’s Courts:

(1) if the adverse party does not object to the consistency between the electronically stored information and the originals;

(2) if the creation of the electronically stored information has been notarized by the notary public;

(3) if the electronically stored information has been submitted in a prior litigation and confirmed by the People’s Courts then;

(4) if the electronically stored information has been compared online or offline with the originals and found consistent; or

(5) if there is other evidence to prove the consistency between the electronically stored information and the originals.

**Article 14** The People’s Courts may, considering the choice of the parties and the circumstance of the case, organize the parties to exchange evidence, present and examine evidence online in a synchronous or asynchronously manner.

If all parties opt to exchange evidence online synchronously, they shall log into the litigation platform at the time designated by the People’s Courts, and present examination opinions, via video conference or other means, on the evidentiary materials that have been uploaded to the litigation platform or the copies of the evidentiary materials that have been served offline.

If all parties opt to exchange evidence online asynchronously, they shall log into the litigation platform within the period stipulated by the People’s Courts, review and present examination opinions on the evidentiary materials that have been uploaded to the litigation platform.

If all parties agree to exchange evidence online, but fail to reach an agreement on the specific method used, the exchange of evidence shall be conducted synchronously.

**Article 15** For electronically stored information and electronic data submitted by the parties as evidence, the People’s Courts shall, pursuant to the relevant provisions of laws and judicial interpretations and after the parties’ presentation and examination of the evidence, determine the truthfulness, legality, and relevance of the submitted evidence. Evidence that has not been verified by the People’s Courts shall not be the basis for determining the facts of the case.

**Article 16**  If the electronic data submitted by the parties as evidence are preserved in blockchain and are verified and deemed consistent by relevant technology, the People’s Courts may presume that such electronic data have not been tampered with after being uploaded to the blockchain, unless there is evidence to the contrary sufficient to invalidate it.

**Article 17**  If a party objects to the authenticity of electronic data preserved in blockchain after they have been uploaded to blockchain and provides reasonable grounds, the People’s Courts shall determine the authenticity of such electronic data based on the following factors:

(1) whether the evidence preservation platform complies with the regulations of relevant State departments on providing evidence preservation services using blockchain technology;

(2) whether the parties have an interest in the evidence preservation platform and have improperly interfered with the process of evidence collection and evidence preservation by technology means;

(3) whether the information system of the evidence preservation platform complies with the national standards or industry standards on cleanliness, security, reliability and feasibility; and

(4) whether the technology involved and the process of evidence preservation comply with the relevant national standards or industry standards on system environment, technical security, encryption mode, data transmission, and information verification.

**Article 18**  If a party claims that the electronic data have already lost authenticity before being uploaded to blockchain, and provides evidence or grounds, the People’s Courts shall review the claim.

The People’s Courts may, based on the circumstance of the case, require the party, who submits the electronic data preserved in blockchain, to provide evidence to prove the authenticity of such data before they have been uploaded to blockchain, and may determine the authenticity of such data considering other factors such as the source, generation mechanism, preservation process, notarization by the notary public, testimony of a third party, and associated data of the electronic data in question before they have been uploaded to blockchain. If the party is unable to provide evidence or reasonable grounds, and such data cannot be supported by other evidence, the People’s Courts shall not confirm the authenticity of such electronic data.

**Article 19** The parties may apply for an expert to provide opinions on technical issues concerning the electronic data preserved in blockchain. The People’s Courts may, upon the application of the parties or ex officio, entrust other institutions to examine the authenticity of the electronic data preserved in blockchain, or collect other relevant evidence for authentication.

**Article 20** With the consent of all parties, the People’s Courts may require the parties to log into the litigation platform separately within a certain period of time to participate in mediation, exchange of evidence, investigation and inquiry, and court trial asynchronously.

For small claim cases or summary civil and administrative cases, the People’s Courts and the parties may record the trial and upload the video to the litigation platform within the designated period of time, thus complete the trial asynchronously, if these cases meet the following conditions:

(1) all parties indeed have difficulty participating in online trial simultaneously;

(2) one party submits a written application and all parties agree; and

(3) upon exchange of evidence or investigation and inquiry online, all parties have no disputes over the main facts and evidence of the case.

**Article 21**  For a case to be tried by holding a court trial, the People’s Courts shall decide whether to hold the trial online by audiovisual transmission based on factors such as the willingness of the parties, circumstance of the case, social impact, and technical conditions, but online trial shall not apply under any of the following circumstances:

(1) if all parties expressly object, or one of the parties objects with justifiable reasons;

(2) if none of the parties has technical conditions and capability to participate in online trial;

(3) if it is necessary to ascertain the identity, verify the original documents, or examine the physical evidence on site during the trial;

(4) if the case is difficult and complicated, has considerable evidence, and applying online trial is inconducive to ascertaining the facts of the case and applying the law;

(5) if the case concerns national security or State secrets;

(6) if the case has a significant social impact and has attracted wide public attention; or

(7) if the People’s Courts deem that there are other circumstances under which online trial is inappropriate to be applied.

For a case applicable to online trial, if any of the aforementioned circumstances is found during the trial, the People’s Courts shall promptly switch the trial to offline trial. Activities completed during the online trial shall have legal effect.

The applicable scope and conditions of online inquiry shall refer to the relevant regulations of online trial.

**Article 22**  For a case applicable to online trial, pre-trial preparation, court investigation, court debate and other procedural activities during the trial shall be conducted in accordance with the relevant provisions of laws and judicial interpretations. The litigation rights of the parties to apply for recusement, evidence presentation, evidence examination, statement presentation and debate shall be protected.

**Article 23**  For a case applicable to service by announcement, the People’s Courts may specify in the announcement the specific ways for the parties to participate in online or offline trial, and inform the parties of their rights to choose online trial. If the parties subject to the announcement fail to express consent to online trial to the People’s Courts before the trial, offline trial shall be applied to the parties concerned. Other parties who consent to online trial may participate in trial online.

**Article 24** To conduct online trial, the People’s Courts shall set up an online courtroom with all necessary elements. The online courtroom shall present the national emblem in a conspicuous position, and present the judges and table signs within the reasonable area of the screen. If it is necessary to conduct online trial in a place other than the online courtroom because of special reasons, it shall be reported to the president of the court for approval.

Those who appear in online court shall select a relatively closed environment that is quiet, free from interference, and with favorable light and good network connection, and shall not participate in the trial in an environment that may affect the audiovisual transmission or impair the solemnness of the trial. If necessary, the People’s Courts may require those who appear in online court to attend online trial at a designated place.

**Article 25**  Those who appear in online court shall respect judicial etiquette and comply with court disciplines. The People’s Courts shall apply the relevant regulations of *the Court Rules of the People’s Courts of the People’s Republic of China* considering the characteristics of online trial.

Except for any confirmed network failure, equipment damage, power interruption or force majeure, if a party fails to attend online trial without good cause, it shall be deemed as failure to appear in court; if a party quits the trial without permission and fails to correct after being reminded and warned, it shall be deemed as leaving the courtroom during a court proceeding without permission, and shall be handled in accordance with relevant laws and judicial interpretations respectively.

**Article 26**  If a witness appears in online court, the People’s Courts shall ensure that other parts of the court trial is closed to the witness and the witness is not disturbed by others by designating a place for online court appearance or setting up an online witness courtroom. If a party objects to the online court appearance of the witness with reasonable grounds, or the People’s Courts deem it necessary, the witness shall testify before the court offline.

Where expert witnesses appear in court online, the proceeding paragraph shall be referred to.

**Article 27** For a case applicable to online trial, the court trial shall be open to the public in accordance with the relevant provisions of laws and judicial interpretations.

For a case involving national security, State secrets or personal privacy, the court trial shall not be publicized on the Internet. For civil cases involving the minor, trade secrets or divorce, if the parties concerned apply for non-public trial, the online trial may not be publicized on the Internet.

Without the permission of the People’s Courts, no one shall violate the laws and regulations to record, intercept or disseminate the audios, videos, and textual and graphic files of online trial.

**Article 28**  For participants of online litigation who deliberately violate Article 8, Article 24, Article 25, Article 26, or Article 27 of these Rules and obstruct the order of online litigation, the People’s Courts may dispose in accordance with the relevant provisions of laws and judicial interpretations on obstruction of justice.

**Article 29**  With the consent of the person to be served, the People’s Courts may use the service platform to serve litigation documents and evidentiary materials to the e-mail address, instant messaging account, the exclusive account for logging into the litigation platform, and other electronic addresses of the served person in accordance with the relevant provisions of laws and judicial interpretations.

Under any of the following circumstances, the People’s Courts may confirm that the person to be served has consented to electronic service:

(1) if the person to be served has expressly consented;

(2) if the person to be served has made an agreement or promised to apply electronic service before the litigation;

(3) if the person to be served has voluntarily provides an electronic address for service in the statement of claim, appeal petition, applications and statement of defense submitted; or

(4) if the person to be served has accepted the electronic service by responding with the acknowledgement of the service or participating in the litigation, and he/she does not expressly object to the application of electronic service.

**Article 30** The People’s Courts may, by phone, the litigation platform, sending letter of confirmation of electronic service offline and other means, confirm with the person to be served that whether he/she consents to electronic service and the specific method and address of receiving the electronic service, and inform the scope, effectiveness, way of changing electronic service address, and other matters related to service that need to be notified.

**Article** **31** If the People’s Courts serve relevant information to the electronic address voluntarily provided or confirmed by the person to be served, the service shall be deemed complete when the information arrives at the system to which the electronic address belongs.

If the person to be served fails to provide or confirm a valid electronic address for service, but the People’s Courts serve to an electronic address that can be confirmed as his/her electronic address, the People’s Courts shall determine whether the service is complete considering the following circumstances:

(1) if the person to be served has responded with the acknowledgement of the service, or has conducted corresponding litigation acts in accordance with the service, the service shall be deemed complete; or

(2) if the system to which the served person’s electronic address belongs sends feedback that the person to be served has read the served information, or there is other evidence to prove that the person to be served has received the served information, the service shall be presumed to be complete, unless the person to be served proves that there is a system error, the service address is not used by himself/herself, the served information is not read by himself/herself, or there are other circumstances that prevent he/she to receive and acknowledge the served information.

The People’s Courts shall, when serving electronically, record the entire process in the electronic system and prepare a proof of electronic service. Proof of electronic service has the same legal effect as proof of service by mail.

If the same materials to be served are sent to the served person by various electronic means, the time of first effectively service shall be deemed as the time of the service.

**Article 32** When serving electronically, the People’s Courts may resort to short messages, instant messaging tools and message prompts on the litigation platform simultaneously and notify the person to be served to check, accept, and download the relevant materials of service.

**Article 33**  For a case to which online litigation is applicable, all participants in the action may confirm and sign mediation agreements, transcripts, electronic service proof and other litigation documents by means of online confirmation and electronic signatures.

**Article 34** For a case to which online litigation is applicable, the People’s Courts shall synchronously generate electronic transcripts during the proceedings such as mediation, exchange of evidence, court trial and panel discussion. Upon verified and confirmed online, electronic transcripts shall have the same legal effect as written transcripts.

**Article 35** For a case to which online litigation is applicable, the People’s Courts shall use technical means to synchronously generate electronic files along with the case to produce electronic records. The creation, archiving, storage and use of electronic records shall comply with the provisions of the relevant laws and regulations on archives management.

If a case has no paper documents or all the paper documents have been converted into electronically stored information, the People’s Courts of first instance may transfer the electronic files, instead of the paper files, to the courts of appellate instance.

Where there are paper files for a case to which online litigation is applicable, such files shall be accepted for filing, archived and preserved in accordance with the relevant laws and regulations on archives management.

**Article 36** The relevant provisions of these Rules shall apply to online filing, submission of electronically stored information, enforcement settlement, inquiry of the parties, electronic service and other proceedings of cases concerning enforcement disputes.

The People’s Courts may, by the property inquiry and control system, the online inquiry and evaluation platform, the online auction platform and the credit disciplinary system, conduct enforcement proceedings, such as the identification, seizure, attachment, freeze, transfer, sale and other penalties against the property, online.

**Article 37**  For a criminal case stipulated in Article 3(2), the People’s Courts may, with the consent of the prosecutor, the parties, and the defender and based on the circumstance of the case, question the defendant, conduct a court trial and pronounce sentence online.

Where a case is tried online, it shall be handled in the following manners respectively:

(1) a defendant or criminal who is held in custody may appear in online court while he/she is in a detention center, a prison or other places of detention;

(2) a defendant or criminal who is not held in custody and is indeed unable to appear in person in court because of special reasons may appear in online court at a place designated by the People’s Courts; and

(3) witnesses and expert witnesses shall generally appear in person in court except as otherwise provided by laws and judicial interpretations.

**Article 38**  Anyone participating in online litigation shall comply with the relevant laws and regulations on data security and personal information protection, and shall fulfill his/her obligations concerning data security and personal information protection. Except for those disclosed by the People’s Courts in accordance with the law, no one shall disclose, spread or use online litigation data. Under any of the aforementioned circumstances, the People’s Courts may, based on the specific circumstances, hold the relevant entities and persons responsible for their violation in accordance with the laws and judicial interpretations on data security, personal information protection and obstruction of justice; if the violation is criminally punishable, the offender shall be held criminally liable in accordance with the relevant laws.

**Article 39** These Rules shall come into force as of August 1, 2021. In case of any discrepancy between the Rules and the judicial interpretations on online litigation previously promulgated by the Supreme People’s Court, the Rules shall prevail.