

**Guangzhou Intermediate People's Court
Market Supervision Administration of Guangzhou
Municipality**

Sui Zhong Fa [2020] No.49

**Notice of Guangzhou Intermediate People's Court and
Market Supervision Administration of Guangzhou
Municipality on Issuing the *Implementation Opinions on
Establishment of the Informing and Commitment System for
Service Address at the Stage of Enterprise Registration (for
Trail Implementation)***

To all grass-roots courts, the market supervision administrations of each districts, divisions of municipal courts and departments of the municipal market administration,

The *Implementation Opinions on Establishment of the Informing and Commitment System for Service Address at the Stage of Enterprise Registration (for Trail Implementation)* is hereby issued to you for your implementation.

Guangzhou Intermediate People's Court Market Supervision Administration of
Guangzhou Municipality

March 13, 2020

Implementation Opinions on Establishment of the Informing and Commitment System for Service Address at the Stage of Enterprise Registration (For Trail)

1. The Implementation Opinions on Establishment of the Informing and Commitment System for Service Address at the Stage of Enterprise Registration (for Trail Implementation) (“Opinions”) is hereby formulated in accordance with the *General Provisions of the Civil Law of the People's Republic of China* and the *Civil Procedure Law of the People's Republic of China* and other related laws and regulations, taking into account the reality of Guangzhou, for purpose of the optimization of our business environment, the enhancement of the enterprise integrity management mechanism and market credit system and the improvement of service process efficiency as well as the litigation cost saving.

2. These Opinions shall apply to the services provided by the grass-roots level courts and intermediate court of Guangzhou to enterprises registered in Guangzhou and their branches.

Reference shall be made to these Opinions in case of farmers’ professional cooperatives and self-employed people.

3. During the registration business of an enterprise in Guangzhou, such as incorporation, change and filing, the competent market supervision authority shall inform the enterprise of the provisions on reporting address of service and on undertaking relevant responsibilities. The enterprise shall, when informed, report its address for service and commit to be liable for the authenticity of reported information and the timely and duly receipt of litigation instruments at such address. The report and commitment may be made on-line through Guangzhou “Business One Link” for Starting Business, Guangzhou Whole-Process Electronic Enterprises Registration System or Guangzhou Shang Deng Yi (a WeChat mini program) or off-line at proper registration window.

The address for service of litigation instruments reported by the enterprise which makes relevant commitment shall always be in force during the whole judicial process of a case, including the first instance, second instance, retrial (including application for retrial and appeal review), bankruptcy and enforcement.

4. When reporting the address for either on-line or off-line service, the registered domicile of the committed enterprise shall be its default address for service, its registered legal representative shall be the default recipient and the e-mail address, phone number and other information on electronic communication reported shall be its electric address for service.

The litigation instruments shall be served by electronic means at first in case the electronic address for service is confirmed by the committed enterprise. For litigation instruments served by electronic means, no further service in any other means is required.

5. The committed enterprise shall ensure that the address reported for service of litigation instruments is true and accurate and is available for the timely and duly receipt of such instruments.

The committed enterprise shall also cause the recipient reported to keep the smooth contact with him/her and to receive the litigation instruments and feedback to the enterprise in a timely manner.

6. In case of any change in the address for service confirmed, the committed enterprise changes the address accordingly on-line through Guangzhou Whole-Process Electronic Enterprises Registration System or Guangzhou Shang Deng Yi (WeChat mini program) or applies for change with the registration window off-line. The registration authority shall review and approve the change of registration and share the changed address with courts to ensure the consecutiveness and validity of the address for service.

7. When engaged in any litigation, the committed enterprise may re-confirm its address for serving litigation instruments of such case with relevant court by means of completing the letter of confirmation for service address. The address for service of the reconfirmed litigation instruments shall be adopted

8. Information on address for service of litigation instruments reported and responsibility commitment made by enterprises are publicly disclosed on credit.gz.gov.cn.

9. The court shall serve litigation instruments to the address for service confirmed by the committed enterprise and in case of the failure in receiving such instruments due to the inaccurate address provided, the failure in going through the alteration procedures for changed address or the rejection of the committed enterprise or its designated recipient to receive such instruments, such instruments shall be deemed as having served. The litigation instruments shall be deemed as having served if: served in hand, on the date the instruments are left at such address, provided that the process of service shall be duly recorded; served by post, on the date the proper service has failed and the instruments is returned to the court by the postal service; served by electronic means, on the date the instruments in electronic format are served at the e-mail address, WeChat Mini-Program, phone number or other instant messaging accounts. In case the litigation instruments are served by a combination of any of the foregoing means, they shall be deemed as having served on the date of last service.

10. In case of any dispute in respect of the liabilities arising as a result of the delay in receiving litigation instruments at the address for service confirmed by the committed enterprise, it may plea for itself following relevant procedures and the court shall review and decide on the pleading according to law.

11. The government affairs information exchange between the market supervision administration authorities of Guangzhou and the courts of Guangzhou at each level shall be strengthened. The market supervision administration authorities shall timely input the data on address for service of litigation instruments reported or changed by enterprises to Guangzhou's information sharing platforms.

12. The power of interpretation and modification of these Opinions shall remain with Guangzhou Intermediate People's Court and the Market Supervision Administration of Guangzhou Municipality. These Opinions shall be in effect upon the issuance with a term of two years.

Letter of Confirmation for Address for Service (Template)

[Name of the enterprise or self-employed people] hereby confirms that the address for service is [address of domicile or business operation], phone number [phone number of the enterprise or self-employed people] with [legal representative / executive partner / operator] as the recipient whose phone number is [phone number of the legal representative/executive partner/operator], and the electronic address for service is [e-mail address of the legal representative/executive partner/operator]. The foregoing addresses (including electronic ones) and contract information shall be used for receiving notices from registration authorities and also for the valid address for service of litigation instruments (including the complaint, evidence, court summons, notices of any kind and judgment documents) from courts in case of any dispute. Such addresses and contract information shall always be in force during the whole judicial process of the case, including the first instance, second instance, retrial (including application for retrial and appeal review), bankruptcy and enforcement. In case of any change in the address for service confirmed by [name of the enterprise or self-employed people] shall change the address accordingly on-line through Guangzhou Whole-Process Electronic Enterprises Registration System or Guangzhou Shang Deng Yi (WeChat mini program) or apply for change with the registration window off-line. In case of any litigation, and where the enterprise provided other address to the people's court, such address shall be used as the first address for service of litigation instruments. **In case any litigation instrument is served by the People's Court to the address for service confirmed by the committed enterprise during such litigation, the receipt of which has failed due to the inaccurate address provided by [name of the enterprise or self-employed people], the failure in going through the alteration procedures for changed address or the rejection of [name of the enterprise or self-employed people] or its designated recipient to receive such instruments, such instrument shall be deemed as having served. The litigation instrument shall be deemed as having served if: served in hand, on the date the instruments are left at such address, provided that the process of service shall be duly recorded; served by post, on the date the proper service has failed and the instruments is returned to the court by the postal service; served by electronic means, on the date the instruments in electronic format are served at the e-mail address, the WeChat mini program, phone number or other instant messaging accounts. In case the litigation instrument is served by a combination of any of the foregoing means, it shall be deemed as having served on the date of last service.**

Proposed legal representative or applicant of [name of the enterprise or self-employed people]: [legal representative/executive partner/operator]

[Date of approval]

Copy to: the General Office of Social Credit System Construction Leading Group of Guangzhou Municipality, Tianhe Bureau of Government Approval and Nansha Bureau of Government Approval.

Issued by the General Office of Guangzhou Intermediate People's Court on March 13, 2020
