

# 北京市 涉外法律 服务手册

Beijing Foreign-related  
Legal Services Manual



北京市律师协会  
Beijing Lawyers Association

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## 前言

党的十八大以来，我国积极推动对外开放，取得了一系列的显著成就。开放型经济新体制逐步健全，营商环境更加优化，扩大开放不断走向更高质量、更深层次，中国与世界实现了更宽领域的合作，更加深入的融合。司法部、外交部、商务部、国务院法制办联合印发的《关于发展涉外法律服务业的意见》指出，发展涉外法律服务业是建设完备的法律服务体系、推进全面依法治国、促进全方位对外开放的重要举措。2024年7月，党的二十届三中全会审议通过了《中共中央关于进一步全面深化改革、推进中国式现代化的决定》，明确指出，法治是中国式现代化的重要保障，并提出要加强涉外法治建设，培育国际一流仲裁机构、律师事务所，积极参与国际规则制定。

随着全球治理体系变革的不断深入，涉外法律服务需求日益增长。北京市司法局坚持以习近平新时代中国特色社会主义思想为指导，深入践行习近平法治思想，全面贯彻落实党的二十届三中全会精神，坚决落实国家决策部署，立足首都“四个中心”定位，以首善标准积极作为，充分发挥地缘优势，加强与境外法律服务机构的联动交流，深化与“一带一路”沿线国家和地区的务实合作，在律师、公证、仲裁等多个领域为国家重大发展战略、项目等提供优质涉外法律服务。为更好地满足对外开放过程中外商企业及外国当事人在法律事务上不断增长的实际需求，在北京市司法局的指导下，北京市律师协会组织工作专班，收集、整理、汇总各领域涉外法律服务的相关信息，撰写完成中英双语版《北京市涉外法律服务手册》（以下简称“《服务手册》”），为北京市外国来华投资者和个人提供政务、律师、公证、知识产权、司法审判、仲裁及调解等方面的涉外法律服务资源。

《服务手册》共分为六个篇章，包括涉外律师服务，外商投资服务，国际贸易服务，涉外知识产权服务，涉外公证服务，涉外诉讼、仲裁与调解服务等。第一篇介绍了首都律师涉外法律服务的发展概况和涉外法律服务类型，以及北京市律师协会的基本概况和涉外服务职能。第二篇介绍了外商投资方面的内容，包括外商投资项目核准与备案、外商投资企业设立、外汇登记与管理等方面。第三篇介绍了国际贸易方面的内容，包括进出口贸易合规与准入、跨境电商监管及服务、海关监管及服务、税务监管及服务等方面。第四篇介绍了涉外知识产权服务，包括涉外专利、涉外商标、涉外著作权、商业秘密保护、知识产权海关保护等方面和展会知识产权侵权应对指引。第五篇介绍了涉外公证服务的发展概况和特色服务，并详细介绍了首都涉外公证机构名录。第六篇介绍了涉外诉讼、仲裁与调解服务，其中涉外诉讼部分介绍了北京市各级法院涉外争议的管辖范围、当事人参加涉外诉讼的方式和北京人民法院涉外争议审判主要办事机构及联系方式；涉外商事仲裁部分介绍了涉外商事仲裁的特点、受案范围以及进行涉外商事仲裁需注意的主要问题和位于北京的涉外商事仲裁机构；涉外调解部分介绍了调解机构和调解组织受理的涉外争议类型、当事人参加涉外调解的方式及注意事项以及首都主要涉外调解机构和调解组织名录及联系方式。

《服务手册》内容详实，体例完整，旨在为外商投资企业和个人在京投资、经营、贸易等活动提供实用性指导和参考。期待《服务手册》的推广和应用能为中外企业和个人来京展业、工作和生



活提供便利，并能为在北京进行的国际性交易提供全面、准确、优质、详实的法律服务指引，从而为助力优化全市外商投资环境，打造市场化、法治化、国际化一流营商环境提供法治保障，为服务更高水平的对外开放提供明确的理论支持，进一步为推动本市更高水平对外开放、构建新发展格局、促进高质量发展贡献北京法治力量。

# 一、涉外律师服务篇

## （一）首都律师涉外法律服务

### 1 发展概况

#### （1）北京市律师行业基本情况

截至 2024 年 8 月底，北京市共有律师事务所 3518 家，占全国律师事务所数量（41638 家）的 8.45%。北京市共有律师 55223 人。从性别来看，女律师 27949 人，占 50.61%；男律师 27274 人，占 49.39%。从执业类别来看，执业律师 49054 人，占 88.82%；公司律师 3350 人，占 6.07%；公职律师 2822 人，占 5.11%。从年龄结构来看，全市律师平均年龄约为 41 岁；45 岁（含）以下的 38903 人，占 70.45%；40 岁（含）以下的 28392 人，占 51.41%。从学历层次来看，硕士研究生学历以上 19170 人，占 34.71%。从政治面貌来看，党员律师 22535 人，占 40.81%。从执业年限来看，10 年（含）以上的 21013 人，占 38.05%；20 年（含）以上的 8347 人，占 15.12%。由此形成了梯次衔接、素质优良的北京律师队伍。

#### （2）北京涉外法律服务队伍基本概况

北京律师事务所国际化布局不断拓展。截至 2024 年 8 月，北京有 40 家律师事务所设立了境外办公机构 351 个，遍布 97 个国家和地区，覆盖了 29 个“一带一路”沿线国家。其中，有 29 家律师事务所的 104 家境外分支机构在北京市司法局完成了备案。

北京涉外律师数量位居前列，在全国影响突出。目前，全市有涉外律师 4000 余人。司法部《全国千名涉外律师人才名单》中，北京律师 170 人，占 17.21%；北京外地分所律师 220 人，占 22.33%；入选律师人数排名前 10 位的律师事务所中，7 家来自北京。全国律协“一带一路”跨境律师人才库中，北京律师 21 人，占中方 84 名律师的 25%；涉外律师领军人才库中，北京律师 45 人，占总数的 7.11%。法治日报社在 2018 年至 2020 年连续三届评选了“一带一路”十佳律师，荣获“‘一带一路’十佳律师”称号的律师中来自北京的律师数量达到 60%，位列全国各省份第一名。目前，据不完全统计，共有 417 位律师加入各类国际组织，其中 100 位律师在其中担任职务（含曾任和现任），积极参与国际治理。2020 年至 2023 年，北京律协共三次扩充北京市律师协会涉外律师人才库，目前入库律师已达 1326 人，执业范围涵盖了国际经济合作、国际贸易、跨境投资、金融与资本市场、知识产权及信息安全、民商事诉讼与仲裁、数字经济等 11 类专业领域，覆盖了北京各类型律师事务所。北京涉外律师人才队伍体系建设较好，后备力量储备充分，为首都经济建设发展提供了有力的人才储备与服务保障力量。

## 2 涉外法律服务类型

北京律师可以为中外客户提供全方位、一站式的法律服务，涉外法律服务类型包括但不限于：

### （1）跨境投资与并购法律服务

北京律师在处理涉及复杂交易结构的跨境项目上拥有丰富的经验，曾协助众多境内外客户处理跨境投融资及并购事宜，客户涵盖一大批大型国有企业、民营企业、上市公司、银行和金融机构，所服务的项目涉及的国家 and 地区遍及亚洲、欧洲、非洲、北美洲、南美洲和大洋洲，项目经验涉及能源、矿产、管道、电站、基础设施、制造业、高新技术、零售业和服务业等众多行业和领域。

在协助跨境并购交易的过程中，北京律师为境内外客户提供了全交易流程的法律服务，包括：协助客户履行相关部门的各项审批手续；就目标公司或目标资产进行法律尽职调查，以评估和控制潜在法律风险；对各种投融资结构及安排进行分析、提出建议；起草、审阅和修改交易不同阶段的法律文件，或对交易对方起草的法律文件进行分析、审阅和提供意见；参加交易谈判，就谈判策略及谈判中涉及的法律及商务问题提供咨询意见；协助进行项目交割以及交割后的整合；协助挑选境外律师及其他中介机构，组织、协调及安排他们的工作等，成为将外资企业“引进来”及中国企业“走出去”的强有力伙伴。

### （2）涉外金融法律服务

北京律师在涉外金融法律服务方面的主要业务，包含了全类型的境内外融资、发债、金融机构设立、合规与纾困、不良资产处置、金融数据合规、支付清算、衍生品交易等，服务的客户涵盖国内外银行、非银行金融机构、跨国公司、国有企业、民营企业、外商投资企业等。

北京律师也紧跟科技的迅速发展，回应国际金融领域的新兴热点与全新的客户需求，在金融科技等创新领域提供专业、领先的法律服务。北京律师深度参与了市场上具有影响力的金融科技领域产品的研发和执行，为金融科技企业提供涉及集团架构、牌照组合、模式创新、产品矩阵、监管合规、境内外融资通道及资本运作的综合服务方案，协助领先的金融科技企业在新的监管格局下识别风险、管控风险，保持与监管部门的持续沟通和对话，确保金融科技业务稳健发展，助力北京“全球金融科技中心城市”建设。

### （3）涉外合规法律服务

随着境内外监管机关对于商业合规领域的执法日趋严格，境内外企业均面临来自反垄断、贸易与关税、劳工就业、环境保护、税务、商业贿赂等多方面的合规挑战。在境内外企业的日常经营过程中，北京律师协助客户构建合规管理体系和定期监督检查，提供内部合规审计、合规培训和突袭调查培训等服务；在客户面临国内外政府机构调查、执法程序等突发危机时，北京律师为客户制定整体危机应对策略，向客户提出适当的救济措施建议；代表客户参加与政府机关互动的陈述、听证和执行程序，最大限度地保护客户的合法利益，帮助客户有效减少或避免运营过程中的法律风险。

### （4）涉外知识产权法律服务

随着经济和科技的快速发展，商业环境也在不断变化、转型，相应地，保护发明与创新成为很

多公司及新兴行业的企业家在市场上立足的关键。越来越多的客户期望律师具有广泛且有深度的专业知识，以协助应对其在专利、商标、其他类型的知识产权日常法律事务中以及在相关诉讼中的重大挑战。北京律师在涉外知识产权方面的服务领域，涵盖了各类诉讼及非诉业务，包括专利、商标 / 品牌、技术秘密、版权等专门事项，也包括复杂的横跨多个司法管辖区域的知识产权诉讼和交易，客户的行业领域包括电信及半导体、计算机 / 互联网 / 大数据 / 人工智能、电子和电学技术、医药和医疗、生物和生命科学、化工、新材料、车辆、高端制造、酒店及娱乐、市场营销和教育等。

#### **(5) 涉外家事法律服务**

涉外家事法律服务涵盖婚姻与继承、家族信托、税务、资产国际化、外汇合规、危机应对、争议解决、慈善等领域。北京律师深谙家族财富安全与传承之道，熟悉多种家族财富安全与传承的法律工具、路径及法律架构，为多个家族企业实际控制人和 / 或其家族成员提供家族财富安全与传承整体法律规划及落地、境内外家族信托 / 保险金信托的规划及落地、家族企业治理、境内外税务合规及税务筹划、婚姻协议 / 遗嘱规划、婚姻 / 继承争议解决、家族慈善方案的规划及落地等专项法律服务。北京律师致力于家族企业和高净值家庭的财富管理及安全传承的研究及实践，能够敏锐洞察家族企业和高净值家庭的个性化特征及深层次需求，量身定制满足个性化需求的家族财富管理与传承方案，并协助客户安全有效地实施。

#### **(6) 涉外商事诉讼与仲裁法律服务**

北京律师参与过众多重大的诉讼和仲裁案件，在中国法院、境内外仲裁机构和行政机构的重要诉讼和仲裁案件中担任跨国公司、大型国有企业、民营企业和金融机构的代理律师，对客户以及它们在中国、亚洲，乃至全球拓展业务市场有着深刻的理解。北京律师尤其擅长跨司法辖区的争议解决，能够为客户提供富有建设性和实用性的法律分析意见和商业解决方案。北京律师在涉外商事诉讼与仲裁领域的业务范围涉及房地产、建筑工程、能源、科技、医药、金融（银行、证券、信托）等多个行业、领域。

在诉前争议解决阶段，北京律师为客户提供法律分析意见和建议，作为客户的决策依据，并协助客户调查相关事实、收集相关证据。在诉讼和仲裁程序中，担任客户的代理律师出席庭审。在诉前及诉中，北京律师协助客户与对方进行协商、达成和解。

在行政调查程序中，北京律师协助客户应对监管调查、进行申辩。通过专业优质的服务，北京律师帮助客户快速解决问题、挽回损失并降低经营风险。

#### **(7) 涉外税收法律服务**

北京律师提供一般税务咨询、税务架构设计、税务稽查应对 / 税务争议解决、税务尽职调查 / 税务健康检查、交易合同涉税条款的制备 / 审阅 / 磋商、估值模型税务事项的审阅复核、税法培训等业务。

税法业务涉及的行业十分广泛，包括房地产业、金融业、矿业、能源业、制造业、医疗 / 医药行业、生活服务业、娱乐业等。此外，还涉及产业园区、公用设施、投资基金等等。



## (二) 北京市律师协会

### 1 协会概况

北京市律师协会（英文名称为“Beijing Lawyers Association”，中英文简称分别为“北京律协”和“BLA”）是依法设立的、由北京市全体律师及律师事务所组成的社会团体法人，是北京律师的行业自律性组织，依法对律师行业实施服务和管理。北京律协始建于1952年，恢复于1979年8月，1982年4月召开了第一次北京律师代表大会。

北京律协每届任期4年。最高权力机构是律师代表大会，每年召开一次，审议理事会工作报告、监事会工作报告、年度预算执行情况报告、年度工作计划及会费预算方案；律师代表大会代表由各区律师协会和本会从个人会员中选举或推举产生，各区律师协会会长为律师代表大会的当然代表。理事会由律师代表大会选举产生的全体理事组成，是律师代表大会的常设机构，在律师代表大会闭会期间，根据律师代表大会的决定和本会章程的规定履行职责，对律师代表大会负责。监事会由律师代表大会选举产生的全体监事组成，是律师代表大会的监督机构，负责对理事会及会长会议的工作实施监督，对律师代表大会负责并报告工作。会长会议由会长、副会长组成，是本会的日常事务决策机构，对律师代表大会和理事会负责，受监事会监督。秘书处是本会的执行机构，对理事会负责，承担协会的日常工作，内设7个部门。

第十二届北京市律师协会产生于2023年12月。本届共有律师代表335名，其中理事79名、监事21名，会长1名、副会长14名，监事长1名、副监事长2名；设立了19个专门工作委员会，作为本会履行职责的专门工作机构，具体负责行业发展调研与行业规范起草、会员权益保障、会员事务与会员福利、执业规范引导、执业纠纷调处与违规执业行为惩戒、会员职业道德与执业纪律教育、会员业务培训、业务研究与经验交流、国际交流、律师事务所管理指导、青年律师的培养及指导、律师行业宣传、财务预决算报告起草等工作；设立了46个专业委员会，作为本会的业务指导与研究工作机构，负责就前沿法律问题和社会热点法律问题开展理论研讨和论证，就立法和法律实施向立法、司法和行政机关提出意见和建议，按照本会的要求为政府大型活动或突发事件提供法律意见和建议，制定业务操作指引，对会员进行业务指导与培训。

#### (1) 19个专门工作委员会

党建工作委员会

权益保障与法律职业共同体  
建设委员会

宣传联络委员会

涉外法律服务委员会

行业规则委员会

教育培训委员会

申请律师执业人员管理  
考核工作委员会

律师行业发展与律师事务所  
管理指导委员会

参政议政促进工作委员会

公益法律服务与社会责任  
委员会

会员事务委员会

文化建设委员会

惩戒委员会

会员处分复查委员会

财务委员会

青年律师工作委员会

女律师工作委员会

老律师工作委员会

公职与公司律师工作  
委员会

## (2) 46 个专业委员会

保险法律专业委员会

财富管理法律专业委员会

财税法律专业委员会

城市更新与征收拆迁  
法律专业委员会

法律顾问事务专业委员会

公司法专业委员会

公益法律服务与法律  
援助专业委员会

国际贸易法律专业委员会

合同法专业委员会

互联网诉讼法律  
专业委员会

婚姻与家事法律  
专业委员会

建设工程法律专业  
委员会

交通运输法律专业  
委员会

竞争与反垄断法律  
专业委员会

军民融合法律事务  
专业委员会

跨境投资并购法律 专业委员会	劳动与社会保障法律 专业委员会	两区建设与营商环境法律 事务专业委员会
民法专业委员会	民事诉讼法专业委员会	能源自然资源与环境保护 法律专业委员会
农业农村法律事务 专业委员会	破产与清算法律 专业委员会	企业合规与风险防控法律 专业委员会
商标法律专业委员会	商事仲裁法律专业委员会	社会治理与律师调解 专业委员会
数字经济与人工智能领域 法律专业委员会	私募基金与股权投资法律 专业委员会	台港澳与涉侨法律 专业委员会
土地与房地产法律 专业委员会	未成年人保护法律 专业委员会	文旅传媒与体育法律 专业委员会
消费者权益与产品质量安全 法律专业委员会	刑法专业委员会	刑事诉讼法专业委员会
行政法与行政诉讼法 专业委员会	行政复议法专业委员会	一带一路法律服务 专业委员会
医药卫生法律专业 委员会	银行与金融法律 专业委员会	证券法律专业委员会
政府公共服务与应急处置 专业委员会	智库小组	著作权法律专业委员会
专利法律专业委员会		

## 2 涉外服务职能

近年来，北京律协坚持以习近平新时代中国特色社会主义思想为指导，深入践行习近平法治思想，全面贯彻落实党的二十届三中全会精神，坚决贯彻市委、市政府和市司法局决策部署，积极围绕北京“四个中心”功能建设、“两区”建设等中心任务，准确把握职能定位，主动履职，创新发展。面对世界百年变局，北京律协积极发挥涉外律师人才数量与质量居于全国首位的优势，在推进首都法治建设、服务经济社会发展中取得了新成绩、实现了新发展。

### （1）聚焦涉外法治需求，完善人才培养体系

多年来，北京律协建立了以涉外法律业务为主线，覆盖法律英语、执业技能等多方面的立体培训体系，不断培育和壮大涉外律师队伍。为进一步推进北京律师为中国企业参与“一带一路”沿线国家建设提供涉外法律服务支持，北京律协设立了“扬帆百千万计划”培训项目。其中，“百人计划”侧重于提升涉外法律实务水平；“千人计划”针对初入涉外领域的律师；“万人计划”旨在普及推广知识产权、涉外仲裁、跨境民商事争议解决等领域的涉外法律实务知识，分方向、分模块、分批次培训了涉外律师 17000 余人次。此外，北京律协还与美国芝加哥肯特法学院合作开展法律硕士学位项目、与美国华盛顿大学开展访问学者交流项目等人才培养合作，为多层次开展涉外法律人才培养提供系统支持。

为不断培养储备一批通晓国际规则、具有世界眼光和国际视野的高素质涉外律师人才，提升北京市涉外法律服务水准和国际影响力，北京律协成立了涉外律师人才库，目前入库律师已达 1326 人，为北京市“十四五”发展规划实施及“两区”做好优秀涉外人才储备。北京律协还将继续发掘优秀涉外律师人才，定期扩充涉外律师人才库，更好地为“一带一路”建设的深入推进、为中国企业和公民“走出去”、为我国重大涉外经贸活动和外交工作大局提供法律服务。

2023 年，北京市司法局公布了《北京市百名高端涉外法治人才培养方案》，设立了为期三年的《北京市百名高端涉外法治人才培养项目》。北京律协积极响应，研究并制定报名条件，从政治素质、年龄结构、执业背景、专业水平、英文等方面进行综合考量。经资格审核及初选，再经过全程英文面试，最终确定 20 名律师成为首期学员。北京律协还积极参与培训项目的筹备和组织工作，并随时跟进培训进展，确保项目采用前沿化、国际化、多元化的培训模式，通过国内研学和赴外访学，让学员们了解到最切实的法律需求，吸收了新信息新知识，进一步拓展了国际化专业视野，为今后继续投身涉外法治建设奠定了良好的基础。2024 年 7 月，北京律协又组织开展了第二期培训项目律师学员的选拔工作，并优化了英文面试考核方式，经综合评议，最终推荐 17 名律师成为第二期学员。

### （2）搭建国际化交流平台，开展多层次业务研讨

北京律协不断加强与国（境）外律师同行的交流合作，积极参加各类国际会议，对外宣传北京律师行业发展情况，提升北京律师的国际形象，提高北京律师的国际影响力。多年来，北京律协先后组派出访团出访近 30 次，并与韩国首尔、英格兰及威尔士、德国法兰克福、西班牙马德里、新加坡、俄罗斯莫斯科、白俄罗斯明斯克、哈萨克斯坦等 11 个国家或地区的律师组织签订《合作备忘录》，



建立定期互访交流机制。

北京律协牵头承办了第二届中国国际服务贸易法律论坛，并参与承办了第三届中国国际服务贸易法律论坛。在这两次论坛上，北京律协邀请了多位北京涉外律师，就涉外业务发展方向进行了深入探讨，并就北京涉外法律服务领域在服务“两区”建设、优化营商环境、促进经济社会发展等方面取得的新进展进行了全面分享，展现出首都涉外法律服务队伍的卓越风采，进一步提升了国内外对北京律师行业涉外法律服务能力的认知。第二届法律论坛期间，北京律协与“一带一路”律师联盟签署了《合作备忘录》，第三届法律论坛期间，又与哈萨克斯坦法律顾问协会签署了《友好合作备忘录》，进一步加强涉外律师队伍建设，提升涉外律师能力水平，助力北京律师“走出去”。同时，北京律协积极选派优秀律师代表参加境内外高水平涉外法律论坛，并做主题发言，如乌兹别克斯坦“塔什干法律之春”国际法律论坛、第七届金砖国家法律论坛、环太平洋律师协会第30届年会、2021欧亚经济论坛法律服务分论坛、2023中亚法律服务合作论坛、2024中关村论坛科技与法治平行论坛等，积极扩大在国际律师行业中的影响力。

### **(3) 服务保障中心工作，支持国家重大战略**

北京律协在深入摸底调研涉外律师人才的基础上，积极为首都高质量发展提供法治保障，先后成立了中美贸易摩擦专家组、境外人才法律服务律师团、冬奥会公益法律服务团等，并连续两年完成了世界银行营商环境评估改革措施英译校验工作，获得了各方好评。多年来，北京涉外律师多次为政府机构、央企国企、民营企业等单位提供优质的涉外法律服务，为我国企业和公民“走出去”、共建“一带一路”、我国外交及国际关系等方面提供了重要的法律服务保障。

在北京冬奥会、冬残奥会期间，为充分发挥首都律师专业优势，用全面、优质、高效的公益法律服务助力冬奥盛会，按照市委要求和市司法局统一部署，北京律协牵头成立了冬奥会公益法律服务团，由拥有丰富涉外体育仲裁和争议解决经历、外语能力较强的专业律师组成。冬奥会闭幕后，服务团继续为冬残奥会运动员提供公益法律服务支持。北京律师以实际行动，向世界各国运动健儿展现了出色的专业能力。2022年4月20日，北京冬奥会冬残奥会公益法律服务团被北京市司法局授予“司法行政系统北京2022年冬奥会冬残奥会安保维稳工作优秀团队”称号。

近年来，围绕推进“一带一路”、自贸区建设等国家重大发展战略，为发展更高层次的开放型经济提供法律服务。北京律协充分发挥涉外律师在金融与资本市场、跨境投资、能源与基础设施等众多领域的专业优势，主动围绕加强首都“四个中心”功能建设等开展专项法律服务，引导涉外律师结合政策规定，在“双碳”目标、元宇宙等多个新领域积极开拓，同时，组织引导律师主动对接“一带一路”沿线国家和地区的合作项目，积极服务国家重大发展战略。《北京市律师行业发展三年行动计划（2023—2025年）》发布后，北京律协正在建立涉外企业、机构团体和涉外律师事务所、律师人才的信息互通机制，提升供需双方对接效率，加大北京涉外律所、律师推介力度。

### **(4) 总结发布涉外成果，提供有益实践经验**

北京律协主动作为，发挥专业优势，不断开展涉外法治调研，为首都涉外法律服务业发展建言献策，已编制完成东盟、中亚、东南亚、“一带一路”、北美、欧洲等9个国别法律风险提示报告，同时，还组织撰写了《“一带一路”沿线六十五个国家中国企业海外投资法律环境分析报告汇编》，

覆盖全球中国企业投资经常涉及的国家，为中国律师和中国企业防范投资过程中出现的重大法律风险进行前期预警和评估。

近年来，北京律协相继发布了《北京市涉外法律服务调研报告》《北京市律师事务所“走出去”调研报告》《北京市涉外法律服务发展现状》《北京律师行业助力高水平对外开放情况》等多个行业调研与发展报告，总结了北京涉外法律服务的变化和趋势，为制定北京律师行业涉外法律服务发展政策提供数据支持，同时，对律所“走出去”遇到的挑战等问题提出建议。

为全面总结北京律师涉外法律服务经验，加强涉外法律业务交流，北京律协编印了《涉外法律服务优秀案例汇编 I & II》，共收录 116 个案例，涉及判决和裁决的境外承认与执行、反倾销和反补贴、知识产权争议等 14 个业务领域。案例汇编详细记录涉外案件的办理经过，分析各案的争议焦点，多层次、多角度解读了涉外法律服务项目的难点与亮点，并总结提炼了案件的成功经验，展现了首都律师在涉外法律服务中极高的法律水平和应有的担当，为涉外法律服务提供了可知可感的宝贵经验。2022 年和 2023 年，北京律协编印两辑《北京律师行业涉外法律服务掠影》宣传册，汇集 26 家优秀涉外律师事务所的 260 位涉外律师与 500 余个优秀案例简介，集中展示涉外律师的卓越风采与专业能力，并在中国国际服务贸易法律论坛期间对外发放推介，进一步展现了北京律师行业服务涉外法治工作的使命担当。

#### **（5）发挥新媒体矩阵传播效能，让北京涉外律师品牌更立体**

近年来，北京律协大力加强了对北京涉外法律服务发展情况的推广和宣传工作。北京律协在微信公众号上开设《首都涉外律师营》《护航“走出去” 首律在行动》等专栏，对北京市优秀涉外律师及“走出去”的律所进行全方位宣传，扩大北京涉外律师及律所的影响力，提升北京涉外律师品牌效应。同时，北京律协不断加强与权威媒体平台的良性互动，深入开展与新闻媒体的广泛合作。《法治日报》等多家主流媒体连续推出多篇北京涉外法律服务专题报道，有效提升行业宣传力度，彰显北京涉外律师的优秀形象。

## 二、外商投资服务篇

### （一）外商投资项目核准与备案

#### 1 管理制度介绍

我国坚持对外开放的基本国策，鼓励外国投资者依法在中国境内投资，不断优化外商投资环境，提高对外开放水平，通过试点形式在有关城市进一步扩大外商投资领域。自《中华人民共和国外商投资法》（以下简称“《外商投资法》”）于2020年1月1日施行以来，我国全面实行“准入前国民待遇”和“负面清单管理”制度，适用于外国自然人、企业或其他组织直接或间接在中国境内进行的投资活动，包括中外合资、中外合作、外商独资、外商投资合伙、外商并购境内企业、外商投资企业增资及再投资项目等。为促进投资，国家制定鼓励外商投资产业目录，鼓励和引导外国投资者投资特定行业、领域、地区。外国投资者在依法需要取得许可的行业、领域进行投资的，应当办理相关许可手续。

《外商投资准入特别管理措施（负面清单）》（以下简称“《外商投资准入负面清单》”）统一列出外商投资禁止领域、针对限制领域的股权比例要求和高管比例要求等管理措施。对于《外商投资准入负面清单》之外的投资项目，按照内外资一致原则实施管理，需要核准、备案的，按照相关规定执行。《外商投资准入负面清单》中未列出的文化、金融等领域与行政审批、资质条件、国家安全等相关措施，按照现行规定执行。

除实行核准管理的项目以外的一般外商投资项目，实行备案管理。经核准或备案的项目，如果发生项目地点、投资方或股权结构、主要建设内容及有关法律法规和产业政策规定需要办理变更手续的其他情形的，需向原批准机关申请变更，相关程序比照初始核准、备案的有关规定执行。已经核准的项目，发生变更后转变为须备案项目的，或已备案后转变为须核准项目的，按照变更后所属管理范围办理相关手续。

针对境外投资者拟投资项目不符合《外商投资准入负面清单》规定的情形，不予办理许可、企业登记注册、固定资产投资项目核准等事项。投资于有股权比例要求的领域，不得设立外商投资合伙企业。经国务院有关主管部门审核并报国务院批准，特定外商投资可以豁免《外商投资准入负面清单》规定。内地与港澳台经贸协议、我国缔结或者参加的国际条约、协定对境外投资准入待遇有更优惠规定的，可以按照其规定执行。在自由贸易试验区等特殊经济区域对符合条件的投资者实施更优惠开放措施的，按照自贸区外资准入的相关规定执行。

境内公司、企业或自然人以其在境外合法设立或控制的公司并购与其有关联关系的境内公司的，

按照外商投资等有关规定办理。

外国投资者并购中国境内企业，依照商务部外资并购有关规定执行，与其后生效的外商投资法规、条例冲突的，按照其后生效的法规、条例执行。外资并购涉及经营者集中、国有资产管理、境内上市公司管理等内容的，须接受相关主管部门审查。

国家建立外商投资信息报告制度。外国投资者或者外商投资企业应当按照“确有必要”原则，通过企业登记系统以及企业信用信息公示系统向商务主管部门报送投资信息。

## 2 北京地区办理事项

北京市鼓励外国投资者、外商投资企业在国家鼓励外商投资产业目录、本市重点发展的战略性新兴产业、先进制造业和现代服务业等领域投资；鼓励外国投资者、外商投资企业参与贯彻实施碳达峰、碳中和战略相关活动，推进绿色低碳发展；鼓励外国投资者、外商投资企业与高等院校、科研机构、其他企业基于自愿原则和商业规则开展技术合作。

根据外商投资项目的金额及所涉项目类别的不同，北京地区外商投资准入核准机关为国家及北京市各级发展改革部门。

就北京市级的核准/备案要求而言，《外商投资准入负面清单》之内涉及固定资产投资的外资新建项目或并购项目，根据股比、高管要求等规定，应当办理核准手续。其中，总投资（含增资）3亿美元及以上的项目，由中华人民共和国国家发展和改革委员会核准；3亿美元以下项目，由北京市发展和改革委员会核准，北京经济技术开发区管委会、北京城市副中心管委会等部门行使市级权限（不含国家规定由省级及以上投资主管部门核准的项目）。根据其他规定实行核准管理的项目，按照内外资一致原则实施管理。落户自由贸易试验区的外资项目，按照自贸区外商投资准入负面清单执行。为简化外资项目核准手续，北京市项目单位提交项目申请报告，除中华人民共和国国家发展和改革委员会规定内容外，无需附企业财务报表、资金信用证明、环境影响评价审批文件、节能审查意见、国有资产出资确认文件。除法律、行政法规另有规定外，外资项目核准手续可与其他许可手续并行办理。

外商投资项目备案，除国务院规定应由省级发展改革部门备案管理的以外，其他外资项目按照属地化管理原则，由所在地的区发展改革部门（如北京经济技术开发区管委会）实行备案管理。简易低风险工程建设项目中属于本市权限的外商投资项目，一律取消核准要求，改为备案管理，其中原属于市级核准备案权限的外商投资项目，下放至项目所在区实行备案管理。所有备案的外资项目，一律实行告知性备案管理，项目单位通过北京市发展改革系统网上政务服务平台完成对项目基本信息的填报，包括项目单位、项目名称、项目地点、项目内容、投资规模、投资方及国别、出资额及出资比例、符合负面清单及产业政策的声明等。



## 3 北京各级办理机构名录

序号	机构名称	办公地址及电话
1	国家发展和改革委员会	北京市西城区三里河南五巷, 010-68505046
2	北京市发改委	北京市政务服务中心: 北京市丰台区西三环南路 1 号 北京城市副中心政务服务中心: 北京市通州区新华东街 48 号二区, 010-89150737
3	经济技术开发区行政审批局	北京经济技术开发区政务服务中心: 北京经济技术开发区万源街 4 号 1 层, 010-67857878
4	通州区发改委	北京城市副中心政务服务中心: 北京市通州区新华东街 48 号二区, 010-69554805
5	朝阳区发改委	朝阳区政务服务中心: 北京市朝阳区霄云路霄云里 1 号, 010-64685163 朝阳区发展和改革委员会: 北京市朝阳区百子湾西里 303 号楼, 010-65090600
6	东城区发改委	东城区政务服务中心: 北京市东城区珠市口东大街 12 号 3 层, 010-64079927
7	西城区发改委	西城区政务服务中心: 北京市西城区宣武门外大街 8 号楼 D 座二层, 010-83926765
8	丰台区发改委	丰台区政务服务中心: 北京市丰台区南苑路 7 号一层, 010-63397070
9	石景山区发改委	石景山区政务服务中心: 北京市石景山区实兴大街 30 号院 17 号楼一层 5-13 号综合窗口, 010-68870790
10	海淀区发改委	海淀区政务服务中心: 北京市海淀区东北旺南路甲 29 号三层, 010-88498599/88497710
11	门头沟区发改委	门头沟区政务服务中心: 北京市门头沟区滨河路 72 号二层综合窗口, 010-69859423

序号	机构名称	办公地址及电话
12	房山区发改委	房山区政务服务中心：北京市房山区长阳镇昊天北大街 38 号 1 层 1 号厅工程建设区 9-22 号窗口，010-81312846
13	顺义区发改委	顺义区政务服务中心：北京市顺义区复兴东街 3 号院一层综合窗口，010-89430850
14	昌平区发改委	昌平区政务服务中心：北京市昌平区龙水路 22 号院 4 号楼五层 2-7 号综合窗口，010-80110258
15	大兴区发改委	大兴区政务服务中心：北京市大兴区兴华大街三段 15 号 1 层综合受理窗口，010-81296046
16	怀柔区发改委	怀柔区政务服务中心：北京市怀柔区雁栖大街 53 号一层综合窗口，010-69691902
17	平谷区发改委	平谷区政务服务中心：北京市平谷区林荫北街 13 号（信息大厦）综合窗口 11-12 号，010-89999208
18	密云区发改委	密云区政务服务中心：北京市密云区新东路 285 号三层工程建设项目综合服务区综合受理窗口，010-69041783
19	延庆区发改委	延庆区政务服务中心：北京市延庆区庆园街 60 号 4 层工程建设审批综合窗口，010-60166025
<p>中央项目申报平台：登录在线平台首页（<a href="http://new.tzxm.gov.cn">http://new.tzxm.gov.cn</a>） （需先在国家发展和改革委员会互联网统一认证平台注册）。</p> <p>地方项目申报平台：登录在线平台首页（<a href="http://new.tzxm.gov.cn">http://new.tzxm.gov.cn</a>） （需先在北京市统一身份认证平台注册）。</p> <p>具体申报流程及资料要求，详见在线平台提示信息及各机构官方网站提示，或致电话及至相关窗口详询。</p>		

## （二）外商投资企业设立

### 1 外商投资企业登记注册制度概述

《外商投资法》自2020年1月1日起施行。根据《外商投资法》的规定，外商投资企业的组织形式、组织机构及其活动准则与内资公司一样，统一适用《中华人民共和国公司法》《中华人民共和国合伙企业法》等法律的规定。原关于外商投资企业的专门规定，即《中华人民共和国中外合资经营企业法》《中华人民共和国外资企业法》《中华人民共和国中外合作经营企业法》（原“三资企业法”）则同时废止。

外商投资企业的机构类型，除有限责任公司、股份有限公司、合伙企业外，与外资相关的组织形式还包括非公司制的外国企业常驻代表机构。本节所称的外商投资企业登记注册制度，涵盖外商直接投资、外资并购境内企业、外商投资企业再投资以及外国企业设立常驻代表机构等情形，相关的登记注册事项主要包括外商投资企业及外国企业常驻代表机构的设立、变更、注销登记。

就登记机关而言，外商投资企业的登记注册与内资企业相同，皆由市场监督管理部门统一登记。就管理权限而言，根据《中华人民共和国市场主体登记管理条例实施细则》（第四条）、《全国被授予外商投资企业登记管理权的市场监管部门名单》及《北京市市场监督管理局关于贯彻落实〈市场主体登记管理条例〉的工作意见的通知》的规定，国家市场监督管理总局已经授予北京市及各区市场监督管理局对外商投资企业进行登记管理的权限。外商投资企业的登记管理原则上由住所所在地的区级登记机关负责，北京市市场监督管理局仅负责登记本市和外埠省级以上人民政府或者其授权的国有资产监督管理机构履行出资人职责的公司，该公司（即前述被出资公司）投资设立时持有50%以上股权或股份的公司，以及市级登记机关认为需要由其登记的市场主体。

就登记注册的要求而言，需要特别注意上一节“外商投资项目核准与备案”中详细说明了核准和备案要求。虽然登记事项内外资企业并轨统一，但是我国对外商投资企业仍采取负面清单准入管理，如果外商投资企业拟从事《外商投资准入负面清单》或其他法律规定中存在准入要求的特殊行业，例如从事出版物印刷、电信业务等，在进行登记注册前，应取得相应的行业准入审批。因此，公司在登记注册之前，有必要先向有关主管部门确认是否有核准、审批、备案的要求。

## 2 北京市具有外商投资企业登记管理权的市场监管部门名单

序号	机构名称	办公地址及电话
1	北京市 市场监督管理局	北京城市副中心政务服务中心：北京市通州区新华东街 48 号二区（东南角），010-86409127。  北京市政务服务中心：北京市丰台区西三环南路 1 号（六里桥西南角），010-89150001。  北京市市场监督管理局：北京市通州区留庄路 6 号院 1 号楼公司企业登记窗口，010-11616611。
2	北京市东城区 市场监督管理局	东城区政务服务中心：北京市东城区珠市口东大街 12 号一层，010-65006161。  东城区市场监督管理局：北京市东城区东四北大街 267 号综合窗口，010-84082988。
3	北京市西城区 市场监督管理局	西城区政务服务中心：北京市西城区政务服务中心新大厅，西直门内大街 275 号，010-66007070。  西城区市场监督管理局：北京市西城区南草厂街冠英园西区 5 号综合窗口，010-88087657。
4	北京市朝阳区 市场监督管理局	朝阳区登记注册科望京分中心：北京市朝阳区宏泰东街绿地中心 5 号楼一层综合窗口，登记注册区电话，010-51069126。  朝阳区政务服务中心：北京市朝阳区霄云路霄云里 1 号一层综合窗口，010-64668900。  朝阳区市场监督管理局：北京市朝阳区霄云路霄云里 1 号综合窗口，010-51069009。
5	北京市海淀区 市场监督管理局	海淀区政务服务中心（上地办公区）：北京市海淀区东北旺南路甲 29 号 42-44 号窗口，010-52808123。  海淀区政务服务中心（航天桥办公区），北京市海淀区阜成路 67 号银都大厦综合窗口，010-68465991。  海淀区市场监督管理局：北京市海淀区倒座庙 9 号企业登记窗口，010-82827588。

序号	机构名称	办公地址及电话
6	北京市丰台区 市场监督管理局	<p>丰台区政务服务中心：北京市丰台区南苑路 7 号，010-63397070。</p> <p>丰台区市场监督管理局：北京市丰台区南苑路 7 号登记注册窗口，010-63322401。</p>
7	北京市大兴区 市场监督管理局	<p>大兴区政务服务中心商事税务分中心：北京市大兴区金星路 18 号院 3 号楼综合窗口，010-81299010。</p> <p>大兴区市场监督管理局：北京市大兴区京开路兴丰段 3 号综合窗口，注册许可中心，010-81299489。</p>
8	北京市石景山区 市场监督管理局	<p>石景山区政务服务中心南区：北京市石景山区实兴大街 64 号一层 3-6 号综合窗口，010-88795976。</p> <p>石景山区政务服务中心北区：北京市石景山区实兴大街 30 号院 17 号楼一层南区。</p> <p>石景山区市场监督管理局：北京市石景山区实兴大街 64 号综合窗口，010-88797086。</p>
9	北京市门头沟区 市场监督管理局	<p>门头沟区政务服务中心：北京市门头沟区滨河路 72 号二层综合窗口，010-69859423。</p> <p>门头沟区市场监督管理局：北京市门头沟区滨河路 70 号综合窗口，010-69859423。</p>
10	北京市通州区 市场监督管理局	<p>北京城市副中心政务服务中心：北京市通州区新华东街 48 号二区综合窗口，010-86409127。</p> <p>通州区市场监督管理局：北京市通州区永顺镇滨惠北二街 5 号综合窗口，010-86409127。</p>
11	北京市顺义区 市场监督管理局	<p>顺义区政务服务中心：北京市顺义区复兴东街 3 号院一层 B 区，010-89448087。</p> <p>顺义区市场监督管理局：北京市顺义区府前东街 19 号企业登记窗口，010-89448655。</p>
12	北京市昌平区 市场监督管理局	<p>昌平区政务服务中心：北京市昌平区龙水路 22 号院 4 号楼综合窗口，010-69706142。</p> <p>昌平区市场监督管理局：北京市昌平区鼓楼南大街 31 号综合窗口，010-69742605。</p>

序号	机构名称	办公地址及电话
13	北京市密云区 市场监督管理局	密云区政务服务中心：北京市密云区新东路 285 号一层企业（个体工商户）开办综合服务区综合受理窗口，010-69041054。 密云区市场监督管理局：北京市密云区密云镇新南路 49 号综合窗口，010-69041054。
14	北京市怀柔区 市场监督管理局	怀柔区政务服务中心：北京市怀柔区雁栖大街 53 号一层综合窗口，010-69687705。 怀柔区市场监督管理局：北京市怀柔区北大街 14 号综合窗口，010-69687705。
15	北京市延庆区 市场监督管理局	延庆区政务服务中心：北京市延庆区庆园街 60 号二层，010-81193818。 延庆区市场监督管理局：北京市延庆区东外大街 70 号综合窗口，010-69140562。
16	北京市平谷区 市场监督管理局	平谷区政务服务中心：北京市平谷区林荫北街 13 号（信息大厦）一层市场监督管理局 16-18 号企业开办专厅，010-69962368。 平谷区市场监督管理局：北京市平谷区府前西街 17 号平谷区社会服务中心 18 层综合窗口，010-69982843。
17	北京市房山区 市场监督管理局	房山区政务服务中心：北京市房山区长阳镇昊天北大街 38 号 2 层市场监管区 1-14 号综合窗口，010-81312718。 房山区市场监督管理局；北京市房山区良乡西路 22 号综合窗口，010-81312718。
18	北京市房山区燕山 市场监督管理分局	房山区燕山岗南路东一巷 6 号北京石化新材料科技产业基地 A 座登记注册服务中心，010-80346111。 房山区燕山市场监督管理分局：北京市房山区岗南路东二巷 3 号综合窗口，010-80346111。



序号	机构名称	办公地址及电话
19	北京经济技术开发区管理委员会	<p>北京经济技术开发区政务服务中心：北京市北京经济技术开发区万源街4号，010-67857878。</p> <p>北京经济技术开发区管理委员会：北京市大兴区荣华中路15号博大厦F1层综合窗口，010-67857878。</p>
<p>注：以上联系电话仅供参考，具体以官网最新公示为准。具体申报流程及资料要求详见在线平台提示信息及各机构官方网站提示，或致电及至相关窗口详询。</p> <p>企业名称自主申报入口：<a href="https://ect.scjgj.beijing.gov.cn/index">https://ect.scjgj.beijing.gov.cn/index</a></p> <p>网上预约入口：<a href="http://banshi.beijing.gov.cn/">http://banshi.beijing.gov.cn/</a></p> <p>电话预约：010-89150001</p> <p>公司设立登记一次性告知单（内外资企业通用）：</p> <p><a href="https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729560211875740.pdf">https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729560211875740.pdf</a></p> <p>公司注销登记一次性告知单（内外资企业通用）：</p> <p><a href="https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729559901377382.pdf">https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729559901377382.pdf</a></p> <p>外国企业常驻代表机构设立登记一次性告知单：</p> <p><a href="https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553878825208.pdf">https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553878825208.pdf</a></p> <p>外国企业常驻代表机构注销登记一次性告知单：</p> <p><a href="https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553525121630.pdf">https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553525121630.pdf</a></p>		

### （三）外汇登记与管理

#### 1 管理制度简介

中国外汇管理职责由中国国家外汇管理局及其分支机构（以下统称“外汇管理机关”）依法履行。具体而言，外汇管理机关负责管理中国境内机构、境内个人的外汇收支或者外汇经营活动，以及境

外机构、境外个人在中国境内的外汇收支或者外汇经营活动。

境内机构，是指中华人民共和国境内的国家机关、企业、事业单位、社会团体、部队等，不包括外国驻华外交领事机构和国际组织驻华代表机构。境内个人，是指中国公民和在中华人民共和国境内连续居住满1年的外国人，不包括外国驻华外交人员和国际组织驻华代表。

中国外汇管理制度分为经常项目外汇管理、资本项目外汇管理、金融机构外汇业务管理以及人民币汇率和外汇市场管理。具体而言：

### **(1) 经常项目外汇管理**

经常项目，是指国际收支中涉及货物、服务、收益以及经常转移的交易项目等，如有形的商品的进出口、无形的贸易（运输、保险、旅游等）的收支，以及国际间的转移支付（赔款、援助、汇款、赠予等）等。

经常项目外汇收支应当具有真实、合法的交易基础。经营结汇、售汇业务的金融机构按照国家外汇管理局的规定，对交易单证的真实性及其与外汇收支的一致性进行合理审查。外汇管理机关有权进行监督检查。

经常项目外汇收入，可以按照中国有关规定保留或者卖给经营结汇、售汇业务的金融机构。经常项目外汇支出，应当按照国家外汇管理局关于付汇与购汇的管理规定，凭有效单证以自有外汇支付或者向经营结汇、售汇业务的金融机构购汇支付。

携带、申报外币现钞出入境的限额，由国家外汇管理局规定。

### **(2) 资本项目外汇管理**

资本项目，是指国际收支中引起对外资产和负债水平发生变化的交易项目，包括资本转移、直接投资、证券投资、衍生产品及贷款等。

境外机构、境外个人在境内直接投资，或者在境内从事有价证券或者衍生产品发行、交易，以及境内机构、境内个人向境外直接投资，或者从事境外有价证券、衍生产品发行、交易的，在按照相关规定经有关主管部门批准、备案或者满足中国市场准入条件后，应当按照国家外汇管理局的规定办理登记。

中国对外债实行规模管理。借用外债应当按照中国的有关规定办理，并到外汇管理机关办理外债登记。国家外汇管理局负责全国的外债统计与监测，定期公布外债情况。

提供对外担保以及境内机构向境外提供商业贷款，应当向外汇管理机关提出申请，由外汇管理机关根据申请人的资产负债等情况作出批准或者不批准的决定。国家规定申请人的经营范围需经有关主管部门批准的，应当在向外汇管理机关提出申请前办理批准手续。银行业金融机构在经批准的经营范围内，可以直接向境外提供商业贷款。提供对外担保的申请人在签订对外担保合同后，应当到外汇管理机关办理对外担保登记。向境外提供商业贷款的，应当按照国家外汇管理局的规定办理登记。经国务院批准为使用外国政府或者国际金融组织的贷款进行转贷而提供对外担保的，不适用前述规定。

资本项目外汇收入保留或者卖给经营结汇、售汇业务的金融机构的，应当经外汇管理机关批准，但国家规定无需批准的除外。资本项目外汇支出，应当按照国家外汇管理局关于付汇与购汇的管理

规定，凭有效单证以自有外汇支付或者向经营结汇、售汇业务的金融机构购汇支付。国家规定应当经外汇管理机关批准的，应当在外汇支付前办理相关的批准手续。依法终止的外商投资企业，按照国家有关规定进行清算、纳税后，属于外方投资者所有的人民币，可以向经营结汇、售汇业务的金融机构购汇汇出。

资本项目外汇及结汇资金，应当按照有关主管部门及外汇管理机关批准的用途使用。外汇管理机关有权对资本项目外汇及结汇资金使用和账户变动情况进行监督检查。

### **(3) 金融机构外汇业务管理**

金融机构经营或者终止经营结汇、售汇业务的，应当经外汇管理机关批准；经营或者终止经营其他外汇业务的，应当按照职责分工经外汇管理机关或者金融业监督管理机构批准。外汇管理机关对金融机构外汇业务实行综合头寸管理。金融机构的资本金、利润以及因本外币资产不匹配而需要进行人民币与外币间转换的，应当经外汇管理机关批准。

### **(4) 人民币汇率和外汇市场管理**

人民币汇率实行以市场供求为基础的、有管理的浮动汇率制度。经营结汇、售汇业务的金融机构和符合国家外汇管理局规定条件的其他机构，可以按照国家外汇管理局的规定在银行间外汇市场进行外汇交易。

外汇市场交易遵循公开、公平、公正和诚实信用的原则。国家外汇管理局规定外汇市场交易的币种和形式，依法监督管理全国的外汇市场，并可以根据外汇市场的变化和货币政策的要求，依法对外汇市场进行调节。

## **2 北京地区办理事项**

### **(1) 国家外汇管理局北京市分局办理事项**

国家外汇管理局北京市分局（以下简称“北京市分局”）是国家外汇管理局在京分支机构，其主要职责是负责北京地区国际收支和外汇收支的统计分析与预警、经常项目管理、资本项目管理和金融机构的有关外汇管理工作，依法对北京地区机构执行外汇管理法规情况进行检查，处罚违法违规行为，监督管理外汇市场的运作秩序、并向国家外汇管理局提供政策性建议，以及承办国家外汇管理局交办的其它事项。北京市分局下设 5 个职能处室，包括外汇综合业务处、国际收支处、经常项目管理处、资本项目管理处及外汇检查处。

北京市分局官网发布有经常项目、资本项目、国际收支行政许可办事指南，公众可以访问北京市分局官方网站“业务指南”栏目，浏览并下载具体行政许可事项的办事指南、表格模板及流程图。北京市分局的主要服务事项及办事指南的网页链接如下表所示：

业务分类	行政许可事项编码	行政许可事项名称
经常项目	00017110100Y	经常项目收支企业核准
	00017110200Y	经常项目特定收支业务核准
	00017110300Y	经常项目外汇存放境外核准
	00017110600Y	外币现钞提取、出境携带、跨境调运核准
	00017111200Y	经营或者终止结售汇业务审批
	00017111300Y	非银行金融机构经营、终止结售汇业务以外的外汇业务审批
	办事指南网址： <a href="https://www.safe.gov.cn/beijing/2024/0329/2353.html">https://www.safe.gov.cn/beijing/2024/0329/2353.html</a>	
资本项目	00017110400Y	境外直接投资项下外汇登记核准
	00017110500Y	境内直接投资项下外汇登记核准
	00017110700Y	跨境证券、衍生产品外汇业务核准
	00017110800Y	境内机构外债、跨境担保核准
	00017110900Y	境内机构（不含银行业金融机构）对外债权核准
	00017111000Y	资本项目外汇资金结汇核准
	00017111100Y	资本项目外汇资金购付汇核准
	00017111200Y	经营或者终止结售汇业务审批
	00017111300Y	非银行金融机构经营、终止结售汇业务以外的外汇业务审批
	00017111400Y	金融机构本外币转换核准
	办事指南网址： <a href="https://www.safe.gov.cn/beijing/2024/0329/2349.html">https://www.safe.gov.cn/beijing/2024/0329/2349.html</a>	

业务分类	行政许可事项编码	行政许可事项名称
国际收支	00017110600Y	外币现钞提取、出境携带、跨境调运核准
	00017111200Y	经营或者终止结售汇业务审批
	00017111400Y	金融机构本外币转换核准
	办事指南网址： <a href="https://www.safe.gov.cn/beijing/2024/0329/2354.html">https://www.safe.gov.cn/beijing/2024/0329/2354.html</a>	

### (2) 国家外汇管理局中关村国家自主创新示范区分局办理事项

国家外汇管理局中关村国家自主创新示范区中心支局于 2015 年 3 月 2 日正式履职并对外办公。2023 年 8 月 18 日，国家外汇管理局中关村国家自主创新示范区中心支局更名为国家外汇管理局中关村国家自主创新示范区分局（以下简称“中关村分局”）。中关村分局的服务对象为中关村国家自主创新示范区的高新技术企业，具体企业以中关村管委会公布的名录为准。

企业名录查询方式：登录“北京市科学技术委员会、中关村科技园区管理委员会”网站（<http://kw.beijing.gov.cn>）→首页→政务公开→数据发布→示范区数据→企业名录。

中关村分局的业务范围：经常项目和资本项目项下各项行政许可事项的受理和审核。具体业务范围可登录北京市分局官网（<https://www.safe.gov.cn/beijing/>）查询。如申请人属于中关村分局的服务对象，且申请业务的类型符合中关村分局的业务受理范围，请到中关村分局办理相关业务。

## 3 北京地区办事机构名录

### (1) 国家外汇管理局北京市分局联系方式

办公地址：北京市海淀区莲花池东路 39 号西金大厦 9、10 层，邮编 100036。

办公时间：周一至周五（法定节假日除外）上午 8:30-11:30，下午 13:00-17:00。

咨询电话：为贯彻“以人民为中心”的发展理念，给企业、银行和个人的咨询业务提供便利，中国人民银行北京市分行（国家外汇管理局北京市分局）成立了业务咨询呼叫中心，于 2019 年 1 月 2 日起开通统一业务咨询电话。如咨询北京地区人民银行、外汇相关业务，请拨打业务咨询电话 010-68559550。

咨询窗口：国家外汇管理局北京市分局经常项目管理处 11-14 窗口，资本项目管理处 1-4、7-10 窗口，国际收支处 11-14 窗口。

咨询网址：<http://www.safe.gov.cn/beijing>（留言反馈）。

## **(2) 国家外汇管理局中关村国家自主创新示范区分局联系方式**

对外服务大厅地址：北京市海淀区丹棱街 6 号中关村金融大厦一层西南侧 102 室。

对外服务时间：工作日上午 9:00-11:30、下午 13:00-17:00。

联系电话：010-68559550。



## 三、国际贸易服务篇

### (一) 进出口贸易合规与准入

#### 1 概述

中国在发展进出口贸易与国际经贸合作方面，逐步建立了全面、系统的法律法规体系，涵盖了从贸易合同的签订、货物申报、检验检疫、关税稽征到后续监管等各个环节，保障了进出口贸易的合法、合规以及可预见性。

自从中国 2001 年加入世界贸易组织（WTO）以来，随着国际贸易格局的变化、竞争模式的改变，中国在进出口贸易环节不断调整相关的贸易法律政策，确保进出口贸易法律体系符合 WTO 的规则，维护公平贸易，消除歧视性的做法，极大地推动了国际贸易与国际经贸的合作与发展。

#### 2 进出口贸易法律与规制

##### (1) 《中华人民共和国对外贸易法》

《中华人民共和国对外贸易法》（以下简称“《外贸法》”）规定了对外贸易的基本原则和制度，包括对外贸易经营者的权利和义务、货物和技术的进出口、国际服务贸易、对外贸易秩序、对外贸易救济、对外贸易促进以及法律责任等。该法律强调了国家对维护公平、自由的对外贸易秩序的承诺，其中规定的对外贸易调查和对外贸易救济措施，具体包括反倾销、反补贴和保障措施等。

##### (2) 《中华人民共和国海关法》

《中华人民共和国海关法》（以下简称“《海关法》”）确立了中国海关在进出关境方面的监督管理职责，明确了海关查验进出境运输工具及货物、查阅或复制相关合同、发票等单据的权力和相关手续的基本要求。

##### (3) 货物进出口

除非法律和行政法规另有规定，货物进出口可获自动许可，收货人或发货人可在办理海关报关手续前提出自动许可申请。

为规范进出口货物的申报行为，海关总署发布了《中华人民共和国海关进出口货物申报管理规定》。该规定适用于进出口货物的收发货人或者其委托的报关企业向海关办理各类进出口货物的申报手续。该规定明确了进出口货物申报的形式（电子数据报关单和纸质报关单）、申报要求、特殊

申报情况、申报单证以及违反规定的处罚措施，规定了申报日期以海关接受申报数据的日期为准，强调了应如实申报的法律责任，规定了提前申报、集中申报等特殊情况的处理方式。

#### **(4) 技术进出口**

所谓技术进出口，是指从中国境外向境内，或者从中国境内向境外，通过贸易、投资或者经济技术合作的方式转移技术的行为。

国务院于 2001 年 12 月公布了《中华人民共和国技术进出口管理条例》，后于 2011 年和 2019 年进行了两次修订，进一步规范了包括专利权转让、专利申请权转让、专利实施许可、技术转让、技术服务等多种形式的技术进出口行为。2020 年 11 月，该条例进行了第三次修订，删除了原第二十二條的规定（“设立外商投资企业，外方以技术作为投资的，该技术的进口，应当按照外商投资企业设立审批的程序进行审查或者办理登记”）。

根据该条例，技术进出口分为自由、限制和禁止三类，其中，自由类技术实行事后合同登记备案，限制类技术进出口需要申请许可证。

《中国禁止出口限制出口技术目录》和《中国禁止进口限制进口技术目录》详细列示了各类禁止进出口和限制进出口的物品清单。

#### **(5) 国际服务贸易**

《外贸法》对国际服务贸易中应当坚持的基本原则作了明确规定，确立了公平自由原则、平等互利原则、最惠国待遇和国民待遇原则等基本原则和例外原则及禁止性规定。

除此之外，经营者还应关注中国加入的部分全球性的服务贸易法律体系和区域性的服务贸易法律体系，例如，世界贸易组织框架下的《服务贸易协定》、中国与东盟签订的《中国 - 东盟服务贸易协定》，以及东盟十国、中国、日本、韩国等签署的《区域全面经济伙伴关系协定》。

#### **(6) 贸易救济调查**

为促进和保障进出口贸易有序开展，维护对外贸易秩序和公平竞争，中国颁布了《中华人民共和国反倾销条例》《中华人民共和国反补贴条例》《中华人民共和国保障措施条例》等多种贸易救济措施规定。

### **3 出口管制**

出口管制，是指国家对从中华人民共和国境内向境外转移管制物项，以及中华人民共和国公民、法人和非法人组织向外国组织和个人提供管制物项，采取的禁止或者限制性措施。

《中华人民共和国出口管制法》适用于国家对两用物项、军品、核以及其他与维护国家安全和利益、履行防扩散等国际义务相关的货物、技术、服务等物项的出口管制。

上文中提到的两用物项，是指具有民事与军事两项用途，或者有助于提升军事潜力，特别是可以用于设计、开发、生产或者使用大规模杀伤性武器及其运载工具的货物、技术和服务；军品，是指用于军事目的的装备、专用生产设备以及其他相关货物、技术和服务；核，是指核材料、核设备、反应堆用非核材料以及相关技术和服务。

中国对管制物项的出口实行许可制度，建立出口管制清单，列出管制物项或者临时管制物项。出口经营者应当向国家出口管制管理部门申请许可。同时，建立管控名单，实行管制物项最终用户和最终用户风险管理制度，对管制物项的最终用户和最终用途进行评估与核查。

#### 4 《不可靠实体清单规定》

商务部于2020年9月19日发布了《不可靠实体清单规定》，对危害国家主权、安全、发展利益，违反正常交易原则，中断与中国企业、其他组织或者个人的正常交易，或对中国企业、其他组织或者个人采取歧视性措施，严重危害中国企业、其他组织或者个人合法权益的外国实体，包括外国企业、其他组织或个人采取相应措施，如限制或禁止其从事与中国有关的进出口活动、在中国境内投资等。

#### 5 食品进出口贸易法律规定

《中华人民共和国进出口食品安全管理办法》由海关总署发布，该办法适用于：进出口食品生产经营活动；海关对进出口食品生产经营者及其进出口食品安全实施监督管理。

海关对进出口食品，如原料种植养殖场备案、生产企业备案、企业核查、单证审核、现场查验、监督抽检等实施监管。

进口食品必须符合中国的法律法规和食品安全国家标准。海关对进口食品实施合格评定，包括境外食品安全管理体系评估、境外生产企业注册、进出口商备案等。

出口食品生产企业应当保证其出口的食品符合对应的进口国家（地区）的标准或合同要求，或符合中国食品安全国家标准。

#### 6 加工贸易

《中华人民共和国海关加工贸易货物监管办法》由海关总署于2014年3月发布，并经过五次修订。该办法适用于办理加工贸易货物手册设立、进出口报关、加工、监管和核销手续。

加工贸易，指的是经营企业进口全部或者部分原辅材料、零部件、元器件、包装物料，经过加工或者装配后，将制成品复出口的经营活动，包括来料加工和进料加工两种方式。

此外，国家对进料加工复出口贸易和来料加工复出口贸易的免税和出口退税也进行了规定，企业可根据实际经营情况办理免税、出口退税事宜。

## (二) 跨境电商监管及服务

### 1 跨境电商监管体系概述

跨境电商业务根据所售商品和服务的来源地和销售地，可分为进口跨境电商和出口跨境电商。跨境电商业务经营者主要包括境内外的跨境电商平台、跨境电商企业、支付企业和物流企业。

在中国境内开展的跨境电商业务，根据其所开展的具体业务类型的不同，分别受到海关监管部门、市场监管部门、邮政监管部门、人民银行、税务监管部门和其他相关部门的监管。

#### (1) 进口跨境电商

“进口跨境电商”是指从中国境外进口商品或服务，并通过电子商务渠道与模式向境内销售商品或提供服务的经营活动。进口跨境电商应遵守《中华人民共和国电子商务法》、《海关法》、《关于完善跨境电子商务零售进口监管有关工作的通知》（商财发〔2018〕486号）、《关于跨境电子商务零售进出口商品有关监管事宜的公告》（海关总署公告2018年第194号）、《网络交易监督管理办法》（国家市场监督管理总局令2021年第37号）等规定的监管，亦应遵循《中华人民共和国商标法》《中华人民共和国专利法》《中华人民共和国反不正当竞争法》《中华人民共和国个人信息保护法》等境内电子商务所需遵守的法律规定。

#### (2) 出口跨境电商

“出口跨境电商”是指向中国境外出口商品或服务，并通过电子商务渠道与模式向境外销售商品或提供服务的经营活动。出口跨境电商除应遵守相关的中国法律规定外，还应特别注意遵守境外相关的法律规定，降低违法和侵权风险。

### 2 跨境电商法律服务

北京律师提供的跨境电商法律服务包括但不限于境内外电商架构搭建法律服务、电子商务合规法律服务、进出口合规法律服务、数据安全合规法律服务、知识产权保护法律服务、境内外争议解决法律服务等。

## （三）海关监管及服务

中国海关是国家进出境监督管理机关。根据《海关法》的规定，国务院设立海关总署，统一管理全国海关。在对外开放的口岸和海关监管业务集中的地点设立海关。海关实行垂直领导体制，机构设置不受行政区划限制，分为海关总署、直属海关、隶属海关三级。

中国海关的职责主要包括：海关监管、进出口关税及其他税费征收管理、出入境卫生检疫、出入境动植物及其产品检验检疫、进出口商品法定检验、海关风险管理、国家进出口货物贸易等海关统计、打击走私犯罪等等。

### 1 进口食品境外生产企业注册

向中国境内出口食品的境外生产、加工、贮存企业，可在专业律师的协助下，根据出口食品的种类（肉与肉制品等 18 种食品的境外企业，应由所在国家（地区）主管当局向中国海关总署推荐），在获得所在国家（地区）主管当局推荐注册或履行相关手续后，向中国海关总署申请注册。

### 2 进出口商品预裁定

在货物实际进出口前，进出口企业可以就进出口货物的商品归类、原产地或者计税价格相关要素向中国海关申请预裁定。

通过预裁定机制，企业对拟进出口商品的相关事项可以产生明确的预判，有助于提高申报的准确性，也有助于预防企业与海关之间的纳税争议和违规处罚等相关法律风险。

### 3 中国海关 AEO（高级认证企业）的认证

进出口企业的内部控制、财务状况、守法规范以及贸易安全等情况达到《海关高级认证企业标准》的评分标准的，在通过中国海关的现场实地认证后，可获得中国海关高级认证企业证书。

中国海关依据有关国际条约、协定以及《中华人民共和国海关注册登记和备案企业信用管理办法》的规定，已开展与全球 54 个国家或者地区海关的“经认证的经营者”（AEO）互认合作，给予互认企业较低查验率、较少稽查核查频次、优先办理进出口货物通关手续、给予主动披露违规事项企业一定宽待等便利措施。

## 4 海关稽查、核查

自进出口货物放行之日起三年内或者在保税货物、减免税进口货物的海关监管期限内及其后的三年内，海关可以对与进出口货物直接相关的企业、单位的会计账簿、会计凭证、报关单证以及其他有关资料和有关进出口货物实施稽查。经海关稽查，认定被稽查人有违反海关监管规定的行为的，由海关依照《海关法》和《中华人民共和国海关行政处罚实施条例》（以下简称“《海关行政处罚实施条例》”）的规定处理。经海关稽查，发现被稽查人有走私行为，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由海关依照《海关法》和《海关行政处罚实施条例》的规定处理。

海关还可以根据进出口货物以及与其直接有关的企业风险水平，对相关企业的实施核查，监督其进出口活动的真实性和合法性。

## 5 海关行政处罚

海关对依法不追究刑事责任的走私行为和违反海关监管规定的行为，依据《海关行政处罚实施条例》的相关规定进行处理。

律师可以为进出口企业提供相关专业法律服务，包括：应对海关调查、稽查和核查，解决关企纳税和处罚争议；辅导企业对特许权使用费的申报，协助国际贸易转让定价等合法税务筹划；代理纳税争议和行政处罚的行政复议；代理走私刑事案件的辩护；提供日常通关事务咨询，跨境贸易架构规划与咨询；提供知识产权海关保护的咨询，协助相关争议解决；协助企业贸易合规审查和法律风险防控；协助企业转让定价同期资料和海关审价报告的准备；提供海关 AEO 高级认证企业申请辅导，等等。

## 6 进出口贸易违规行为的主动披露

进出口企业自查发现其进出口活动中存在少缴、漏缴税款或者其他违反海关监管规定的事项的，可以主动向海关书面报告并接受海关处理。海关对企业的主动披露行为依法从轻、减轻或者不予行政处罚。海关主动披露是一项容错宽待机制，为进出口企业轻微的违规行为提供自查自纠、守法便利通道，允许其主动纠错，鼓励自愿合规。律师可以代理企业向海关申报主动披露事项，争取不予处罚或者减轻处罚。



## 7 海关争议解决和权利救济

进出口企业、进出境人员认为海关及其工作人员在行使行政职权过程中，实施的具体行政行为违法或者明显不当，侵犯其合法权益，进而与海关产生争议的时候，可以在法律规定的期限内，向上一级海关申请行政复议，由海关复议机关对申请复议的具体行政行为的合法性及适当性进行审查，相应作出复议决定；当事人不服海关行政复议决定的，可以在复议程序完结后的规定期限内向人民法院提起行政诉讼。当事人也可以不申请行政复议而是直接通过行政诉讼程序解决争议（但纳税争议例外，实行复议前置机制）。

## 8 走私案件的定性处理及刑事辩护

海关对违反海关法律法规、逃避海关监管、偷逃应缴税款、逃避国家有关进出境的禁止性或者限制性管理的行为，作为走私行为进行查处。走私对象具体包括：应当缴纳关税和进口代征税的普通货物、物品，如农产品、电子产品、化妆品等，以及国家禁止或者限制进出境的武器、弹药、毒品、野生动植物，等等。走私数额较大或情节严重，达到刑法追诉标准的，会被认定为走私犯罪。

涉嫌走私犯罪的进出口企业或者相关责任人员，可能会面临严厉的刑事犯罪指控，承担自由刑、财产刑等刑罚后果。当事人可以委托专业律师为其提供刑事辩护法律服务，维护自身的合法权益。

## 9 相关海关的联系方式

级别	机构名称	联系方式
国家	海关总署	地址：北京市东城区建国门内大街 6 号 电话：010-12360
北京市	北京海关	地址：北京市朝阳区光华路甲 10 号 电话：010-85736114
口岸海关	首都机场海关	地址：顺义区机场北街 8 号 电话：010-64563830

级别	机构名称	联系方式
口岸海关	北京大兴国际机场海关	地址：大兴区礼贤镇航兴路 1 号院 电话：010-81319123
	北京车站海关	地址：丰台区莲花池东路 120-1 华夏明珠宾馆西大堂二楼 电话：010-85735650
承担特定职能的 隶属海关	中关村海关 (北京关区原产地证明集中 审核、部分减免税事项集中 审核)	本部地址：海淀区知春路 59 号中关村海关一层 报关厅 原产地管理科：海淀区阜成路 73 号裕惠大厦 C 座一层报关厅 电话：010-85735012
	北京东城海关 (北京关区专项稽查)	地址：朝阳区甜水园街 6 号 电话：010-81318834
	北京西城海关 (加工贸易集中审核)	地址：海淀区知春路 59 号 电话：010-85735070
其他隶属 海关	北京朝阳海关	地址：朝阳区东四环南路甲 1 号 电话：010-85735416
	海淀海关	地址：海淀区德政路 10 号 电话：010-62730180
	通州海关	地址：通州区土桥新桥 2 号 电话：010-69578059
	顺义海关	地址：顺义区机场东路 2 号 电话：010-85735388
	天竺海关	地址：顺义区金航中路 1 号院 1 号楼 电话：010-85732051

级别	机构名称	联系方式
其他隶属 海关	平谷海关	地址：平谷区马坊物流基地东区联检大楼 电话：010-85735904
	丰台海关	地址：丰台区五里店 259 号 电话：010-85734315
	亦庄海关	地址：北京经济技术开发区荣华中路 14 号 电话：010-67887353
	北京邮局海关	地址：朝阳区光华路 50 号 电话：010-85735514
	北京会展中心海关	地址：朝阳区东四环中路 18 号 电话：010-85735614

#### （四）税务监管及服务

本节内容不仅涉及国际贸易税务事项，还涉及外商投资和在华营商有关税务事项。

##### 1 中国现行税种概述

中国目前有 18 个税种。学界和业界有不同的分类方法。其中，依某种分类方法，可以分为以下 4 大类：



下面的表格介绍几个主要的税种及其应税项目、计税依据和税率：

税种	应税项目、计税依据及税率
企业所得税	<ul style="list-style-type: none"> <li>• <b>应税项目：</b>一般经营所得、财产转让所得、股息红利、利息、特许权使用费、其他所得；</li> <li>• <b>税率：</b>居民企业：25% 或优惠税率（有的项目减免税）；非居民企业：通常为 10%。</li> </ul>
个人所得税	<ul style="list-style-type: none"> <li>• <b>应税项目及税率：</b>综合所得（工资薪金、劳务报酬、稿酬、特许权使用费，3%~45%）、财产转让所得（资本利得，20% 或根据税收协定 / 安排不征）、股息红利（20% 或根据税收协定 / 安排享受税收优待，如 10% 税率）、经营所得（5%~35%，针对境内合伙企业的个人合伙人，其中股息红利所得和利息所得单独适用 20% 税率），其他略。</li> </ul>
增值税	<ul style="list-style-type: none"> <li>• <b>计税依据：</b>一般计税方法的应纳税额 = 当期销项税额 - 进项税额【其中销项税额 = 销售额 × 税率】；简易计税方法的应纳税额 = 销售额 × 征收率；不动产、金融商品等的销售额有特殊规定；</li> <li>• <b>常见税率：</b>一般纳税人（6%、9%、13%），小规模纳税人（3%），境外纳税人（6%）。</li> </ul>

税种	应税项目、计税依据及税率
城市维护建设税 （“城建税”）	<ul style="list-style-type: none"> <li>• <b>计税依据：</b>实际缴纳的增值税和消费税；</li> <li>• <b>税率：</b>1%、5%、7%（2021年9月1日起，境外主体向境内销售服务、无形资产所缴纳的增值税税额，不再征收城建税）。</li> </ul>
印花税	<ul style="list-style-type: none"> <li>• <b>计税依据：</b>应税凭证（如合同、产权转移书据、营业账簿、证券交易）所载金额；</li> <li>• <b>常见税率：</b>万分之三（买卖合同）、万分之五（转让非上市公司股权）、万分之二点五（资金账簿上的“实收资本”和“资本公积”增加额）、千分之一（转让上市公司股票），其他略。</li> </ul>

## 2 征税机关

中国的税收征收管理分为国内税务征管和进出口税务管理两个部分。

其中，国内税收主要涉及所得税、国内增值税、国内消费税、城建税、印花税等，由国家税务总局及其下属机构（合称“税务机关”）负责征收和管理。税务机关也负责出口退税事项的管理。

国内税务事项主要包括：税务登记、发票管理、申报纳税、纳税信用评价、涉税信息查询、税务稽查等。

进出口税收主要涉及进口关税、出口关税、进口环节增值税、进口环节消费税。

其中，进出口关税由海关征收，进口环节增值税和消费税由海关代征。

关于进出口商品预裁定、海关稽查与核查、海关行政处罚、海关争议解决和权利救济等事项，请参见前文“（三）海关监管及服务”中的相关内容。

## 3 企业所得税领域的纳税人与扣缴义务人

### （1）居民企业（完全纳税义务 / 全球纳税义务）

- ①定义：依法在中国境内成立，或依外国（地区）法律成立但实际管理机构在中国境内的企业。
- ②纳税义务：就来源于中国境内、境外的所得缴纳企业所得税。
- ③实际管理机构：对企业的生产经营、人员、账务、财产等实施实质性全面管理和控制的机构。

### （2）非居民企业（有限纳税义务）

- ①定义：依照外国（地区）法律成立且实际管理机构不在中国境内，但在中国境内设立机构、场所的，或者在中国境内未设立机构、场所，但有来源于中国境内所得的企业。

## ②纳税义务

情形 A——在中国境内设立机构、场所的，就所设机构、场所取得的来源于中国境内的所得，及发生在中国境外但与其所设机构、场所有实际联系的所得，缴纳企业所得税（适用 25% 的税率）。

情形 B——在中国境内未设立机构、场所的，或虽设立机构、场所但取得的所得与其所设机构、场所没有实际联系的，应就来源于中国境内的所得缴纳企业所得税（适用 10% 的税率）。

## ③扣缴义务人

源泉扣缴：非居民企业取得前述情形 B 的所得，应缴纳的所得税实行源泉扣缴，以支付人为扣缴义务人。

特别规定——指定扣缴：对非居民企业在中国境内取得工程作业或劳务所得应缴纳的所得税，税务机关可以指定工程价款或劳务费的支付人为扣缴义务人【可能适用于前述情形 A（构成机构、场所或常设机构时）或情形 B（不构成机构、场所或常设机构时）】。

## 4 增值税领域的非居民纳税人与扣缴义务人

非居民在中国境内发生应税行为，在中国境内设立经营机构的，自行申报缴纳增值税。

非居民在中国境内发生应税行为，但未在中国境内设立经营机构的，以代理人为增值税的扣缴义务人；没有代理人的，以发包方、劳务受让方或购买方为扣缴义务人。

## 5 税务追溯期

追溯期类型	具体规定
一般税款追征期	超过追征期的，税务机关不得要求纳税人补缴税款。 追征期包括 3 种类型： <ul style="list-style-type: none"><li>• 3 年（因税务机关责任造成的不缴 / 少缴）；</li><li>• 3 年—5 年（因纳税人、扣缴义务人失误造成的不缴 / 少缴）；</li><li>• 无限期（偷税、抗税、骗税）。</li></ul>
特别纳税调整期	税务机关有权在相关业务发生的纳税年度起 10 年内进行纳税调整： <ul style="list-style-type: none"><li>• 企业与其关联方之间不符合独立交易原则的业务往来；</li><li>• 企业实施的其他不具有合理商业目的的安排。</li></ul>



追溯期类型	具体规定
涉税行政处罚追溯期	<p>5 年内未被发现的，不再给予行政处罚：</p> <ul style="list-style-type: none"> <li>• 违反税收法律、行政法规应当给予行政处罚的行为。</li> </ul>

## 6 税务检查与税务稽查

**(1) 税务检查：**指税务机关通过账簿凭证检查、实地检查、要求提供材料、询问、银行账户检查等手段对纳税人进行的纳税情况检查。

**(2) 税务稽查：**税务检查中的专门类型，是由税务稽查部门根据专门的程序和规定进行的专业检查。

**(3) 稽查局：**专司偷税、逃避追缴欠税、骗税、抗税案件的查处。

**(4) 税务稽查的几种处理结果：**

①有税收违法行为，作出税务处理决定，纠正违法行为——制作《税务处理决定书》

②有税收违法行为，作出行政处罚决定——制作《税务行政处罚决定书》

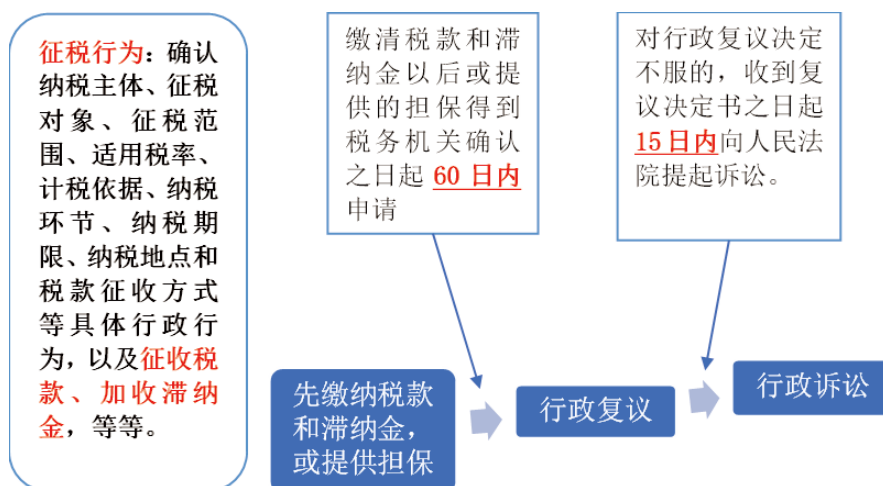
③税收违法行为轻微，依法可不予行政处罚的——制作《不予税务行政处罚决定书》

④没有发现税收违法行为的——制作《税务稽查结论》

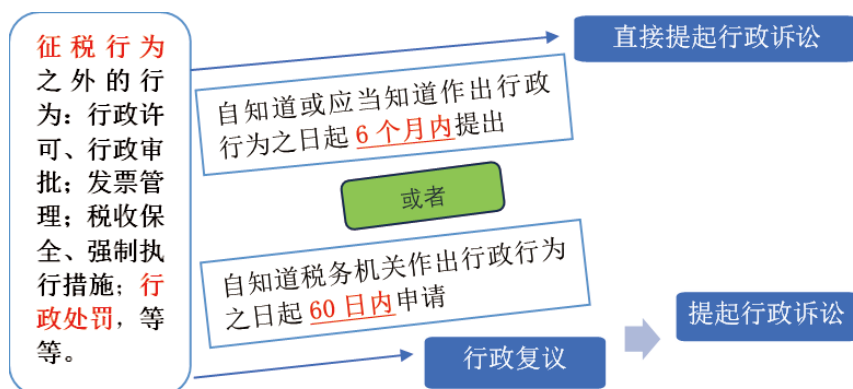
⑤涉嫌犯罪的——填制《涉嫌犯罪案件移送书》，经税务局局长批准后，移送公安机关，并附送相关资料。

## 7 税务行政复议与行政诉讼

**(1) 情形一、行政复议前置：**对于税务机关的征税行为，应先申请行政复议。对复议决定不服的，才可提起行政诉讼。



(2) **情形二、复议与诉讼任选：**对于税务机关的非征税行为，可申请复议，也可直接提起行政诉讼。



## 8 出口退免税

出口退、免税：是国际贸易中通常采用的、世界各国普遍实施的、目的在于鼓励本国货物出口的一种退还或免征间接税（增值税和消费税）的税收措施。符合条件的劳务和服务，也可享受此优待。

具体而言，在国际贸易业务中，对中国出口的货物（劳务、服务）退还或免征在国内各个生产和流转环节按税法规定已缴纳的增值税和消费税，即对增值税实行出口零税率，对消费税出口免税。

其中，增值税出口货物的零税率，有两层含义：一是对本环节生产和销售货物的增值部分免征增值税；二是对出口货物涉及的以前各环节所含（已交）的增值税进项税额进行抵扣和退付。

9 国际税务

外商投资企业一般涉及避免双重征税、跨境转移定价以及与此相关的所得税特别纳税调整。

截至 2024 年 8 月，在所得税方面，中国与其他国家、地区签订的双边税收协定和安排如下所示：

- (1) **避免双重征税协定：签署 111 个，其中 105 个已生效；**
- (2) **避免双重征税安排：**中国香港特区、中国澳门特区（已生效）；
- (3) **避免双重征税协议：**中国台湾地区（未生效）；
- (4) **其他税收协定，**如海运、空运。

以中国和新加坡签署的税收协定为例，当满足相关条件时，外方可享受如下税收优待：

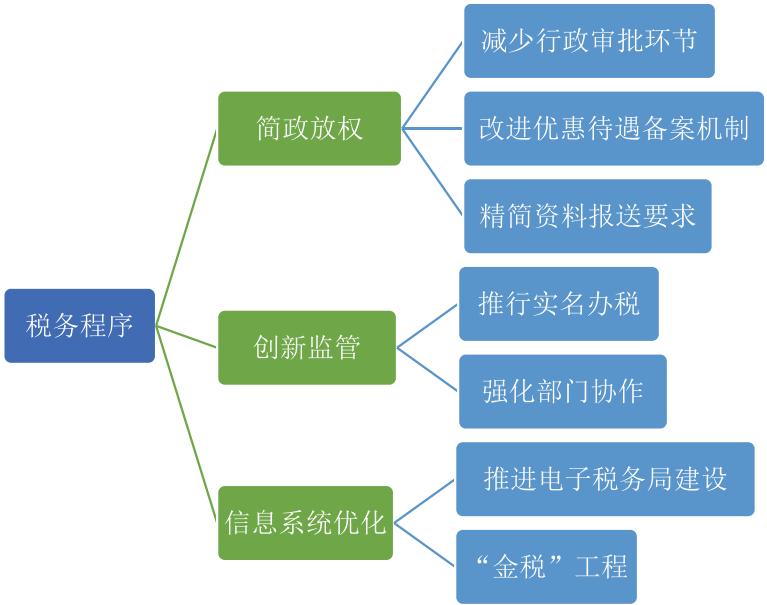
收入类型	标准税率	优惠待遇
特许权使用费	10%	税率降为 6%
利息	10%	税率降为 7%
股息	10%	税率降为 5%
财产收益	10%	仅在新加坡征税（特定情况下）
营业利润 (不构成常设机构时)		仅在新加坡征税
营业利润 (构成常设机构时)	25%	中国可征税

10 税务风险管理建议

- (1) 税务合规是最好的预防税务风险的方法，未雨绸缪胜于亡羊补牢；
- (2) 企业内部应加强合作，特别是跨部门的内部合作，这有利于控制税务风险，提升税务绩效；
- (3) 对于税务处理方法不确定的商业安排，如，因税法规定的模糊性而导致的税务处理的不确定性，征询专业人士的意见；
- (4) 与税务机关谨慎、明智沟通；

- (5) 在税务稽查过程中，注意保护自身的合法权益；
- (6) 通过税务行政复议和税务行政诉讼程序专业化地处理税务争议。

11 近年来税务征管程序方面的优化



12 相关税务机关及其联系方式

下面表格中的地址信息来源于北京市税务局网站及其他公开信息。下面表格中的电话信息来源于北京市政府网站和北京市税务局网站及其他公开信息。

级别	机构名称	联系方式
国家	国家税务总局	地址：北京市海淀区羊坊店西路 5 号 电话：010-12366
北京市	国家税务总局 北京市税务局	地址：北京市西城区车公庄大街 8-10 号 电话：010-12366；010-88371206

级别	机构名称	联系方式
各区	国家税务总局 北京市东城区税务局	地址：东城区安定门外西滨河路 18 号院首府大厦 6 座 电话：010-64515606；010-64515797
	国家税务总局 北京市西城区税务局	地址：西城区二龙路己 33 号 电话：010-62268336；010-66027600
	国家税务总局 北京市朝阳区税务局	地址：朝阳区安苑东里 3 区 1 号 电话：010-87426551；010-81612366
	国家税务总局 北京市海淀区税务局	地址：海淀区徐庄路 11 号院 1 号楼双裕西楼 电话：010-88192090；010-88112366
	国家税务总局 北京市丰台区税务局	地址：丰台区泥洼路甲 6 号 电话：010-63829011；010-83812366
	国家税务总局 北京市石景山区税务局	地址：石景山区城兴街 255 号院 2 号楼（中海大厦 A 座） 电话：010-53968730；010-53968613
	国家税务总局 北京市门头沟区税务局	地址：门头沟区石龙工业区龙园路 4 号 电话：010-69865090；010-60803707
	国家税务总局 北京市房山区税务局	地址：房山区拱辰街道政通路 9 号 电话：010-81389600；010-89903066
	国家税务总局 北京市通州区税务局	地址：通州区玉桥中路 136 号 电话：010-81545596
	国家税务总局 北京市顺义区税务局	地址：顺义区府前东街 7 号 电话：010-69426901
	国家税务总局 北京市大兴区税务局	地址：大兴区黄村西大街 8 号 电话：010-69242186

级别	机构名称	联系方式
各区	国家税务总局 北京市昌平区税务局	地址：昌平区鼓楼南街 23 号 电话：010-81916650；010-81916600
	国家税务总局 北京市平谷区税务局	地址：平谷区谷丰路 198 号 电话：010-69952869
	国家税务总局 北京市怀柔区税务局	地址：怀柔区南华大街 15 号 电话：010-69641806；010-69654574
	国家税务总局 北京市密云区税务局	地址：密云区鼓楼东大街 15 号 电话：010-69042376
	国家税务总局 北京市延庆区税务局	地址：延庆区庆园街 4 号 电话：010-69145640
	国家税务总局 北京市燕山地区税务局	地址：房山区燕山高家坡路 1 号 电话：010-69341075
	国家税务总局 北京市经济技术开发区 税务局	地址：北京经济技术开发区隆庆街甲 4 号 电话：010-67881029；010-86486958



## 四、涉外知识产权服务篇

### （一）发展概况

近年来，随着国家“一带一路”倡议的推进和跨境电商的迅猛发展，中国企业的国际化步伐显著加快，在全球市场的角色也经历了显著的转变。中国企业从传统的制造者的身份，逐渐转变为品牌方、新技术的研发者。在这一过程中，海外知识产权的重要性越发凸显，而中国企业从海外专利商标申请，到海外知识产权维权与诉讼，既有巨大的进步，同时也面临着不小的挑战。

在专利方面，2023 年中国通过 PCT 途径（PCT 是《专利合作条约》“Patent Cooperation Treaty”的简称）提交的国际专利申请量再次位居世界第一，这是中国于 2019 年首次登顶以来，连续 5 年位居榜首。中国企业的 PCT 专利国际申请表现亮眼。2023 年，中国华为技术有限公司以 6,494 件 PCT 国际专利申请量位居全球企业榜首。

在商标领域，2023 年中国的马德里国际商标注册申请量达到 5,473 件，在世界各国中排第三。目前，中国的国际商标注册申请在中国企业的商标申请数量总量中所占的比例还较小，有待进一步提高。国际注册申请率低，一定程度上反映了我国企业主体缺乏长远的商标品牌发展规划及海外注册布局意识，仅在有限商品和服务项目上完成国内商标注册。

中国企业在海外遇到的知识产权风险主要包括：海外知识产权被抢注的风险、海外知识产权侵权诉讼风险、因知识产权侵权导致的海关扣押风险、跨境电商知识产权风险、海外参展知识产权风险、海外商业秘密调查和刑事风险，等等。现在，越来越多的中国企业在出海前会聘请专业的律所对海外知识产权事项进行风险防控与布局，早评估，早预防，以减少纠纷或者在发生纠纷时能够快速应对。

北京律师在涉外知识产权服务领域具有丰富的经验，能为企业提供包括涉外专利、涉外商标、涉外著作权、涉外商业秘密等领域的全方位、全流程的服务。从涉外知识产权申请、许可、转让、投融资的非诉服务，到涉外专利、商标、著作权、商业秘密维权与海外应诉等诉讼服务，北京律师都积极参与，为北京和全国企业的出海提供充足的法律服务保障。

北京律师在涉外知识产权领域不仅具有专业的法律知识和法律能力，而且还拥有多门类、多学科的理工科知识和技能。从传统的机械、电学、医药、化学领域，到现在新型的芯片、生物技术、软件、人工智能、大数据与数据产权保护等众多领域，北京律师均做出了许多有益的探索和突破，逐渐完善知识产权服务体系，努力为客户的每一个创新提供充分的法律服务支持和保障。

## (二) 服务类型

### 1 涉外专利服务

#### (1) 涉外专利申请服务

##### ①向中国专利局提交首次专利申请

###### A. 受理条件

a. 在中国有经常居所或者营业所的专利申请人申请中国专利，可以自行办理，也可以委托专利代理机构办理；

b. 在中国没有经常居所或者营业所的专利申请人单独申请中国专利，或者作为代表人申请专利，应当委托专利代理机构办理。

###### B. 专利代理机构及专利代理师信息查询

国家知识产权局政务服务平台“专利”栏目 (<http://dlgl.cnipa.gov.cn/>)。

###### C. 提交途径

a. 国家知识产权局业务受理大厅、各地方知识产权业务受理窗口（专利代办处）；

b. 专利业务办理系统 (<https://cponline.cnipa.gov.cn/>)；

c. 通过邮寄方式办理。

###### D. 申请材料

申请发明专利需要提交《发明专利请求书》《权利要求书》《说明书》《说明书摘要》《说明书附图》，申请实用新型专利需要提交《实用新型专利请求书》《权利要求书》《说明书》《说明书摘要》《说明书附图》，申请外观设计专利需要提交《外观设计专利请求书》《外观设计图片或照片》和《外观设计简要说明》。可以从国家知识产权局官方网站首页“政务服务”栏目中下载相关表格，网址如下：

<https://www.cnipa.gov.cn/col/col192/index.html>。

###### E. 专利优先审查申请

如需办理专利优先审查申请，关于相关的受理条件、申请途径、申请材料和相关表格等信息，可参见国家知识产权局官方网站中的有关内容。其中，国家知识产权局官网“政务服务”栏目中的相关表格下载页面的网址是：

<https://www.cnipa.gov.cn/col/col192/index.html>。

##### ②通过巴黎公约机制申请外国专利

###### A. 提交路径：

可自行提交，也可委托外国专利代理机构提交，具体以目标国的法律规定为准，可通过中国专利代理机构联系外国代理机构办理。

###### B. 向外国申请专利的保密审查请求

a. 申请人

将在中国完成的发明或者实用新型向国外申请专利的单位或个人。

b. 批准条件

下列情形属于不予批准的情形：

- i. 在中国完成的发明或者实用新型涉及国家安全或者重大利益需要保密的；
- ii. 缺少必要的请求文件；
- iii. 请求文件的形式不符合规定；
- iv. 存在其他不符合向外国申请专利保密审查规定的情形。

除上述情形之外，均可以批准。

c. 提交途径

国家知识产权局业务受理大厅、各地方知识产权业务受理窗口（专利代办处）；通过专利业务办理系统（<https://cponline.cnipa.gov.cn>）办理；通过邮寄方式办理。

d. 申请材料

《向外国申请专利保密审查请求书》、《技术方案说明书》（必要时）、《专利代理委托书》（必要时）等材料，可从下面的网站页面下载：

<https://www.cnipa.gov.cn/col/col194/index.html>。

C. PPH（Patent Prosecution Highway）专利审查高速路：

如目标国与中国签署了 PPH 合作协议，中国专利局对同族中国专利已作出有利审查意见，则可向目标国专利局提出 PPH 加速审查请求。相关材料下载网址：国家知识产权局官网专利审查高速路 PPH 专栏：

<https://www.cnipa.gov.cn/col/col46/index.html>。

③通过专利合作条约（PCT）机制申请国外专利

A. 向中国受理局提交 PCT 国际申请的资格要求

需至少一名申请人为中国公民或法人，或为在中国境内拥有长期居留权的外国人或外国法人。

B. 语言要求

应当使用中文或英文。

C. PCT 申请的保密审查

在提交国际专利申请给中国受理局时，即视为同时提出了保密审查请求，无需额外文件或费用。

D. PCT 进入外国国家阶段

可自行提交，也可委托外国专利代理机构提交，具体以目标国的法律规定为准，可通过中国专利代理机构联系外国代理机构办理。

**（2）涉外专利信息服务**

①可通过以下渠道检索各国的专利文本信息：

- 国家知识产权局专利检索及分析系统 <https://pss-system.cponline.cnipa.gov.cn/>
- 世界知识产权组织专利检索系统 <https://patentscope.wipo.int/>

— 欧洲专利局专利检索系统 <https://worldwide.espacenet.com/>

②可通过以下渠道查询各国的专利审查信息

— 中国及多国专利审查信息查询系统 <https://cpquery.cponline.cnipa.gov.cn/>

— 全球审查档案 global dossier 系统 <https://globaldossier.uspto.gov>

③可通过以下渠道查询各国的专利法律信息

— 世界知识产权组织各国法律信息平台 WIPO Lex <https://www.wipo.int/zh/web/wipolex>

### **(3) 涉外专利无效、诉讼、咨询服务**

可直接委托外国专利法律服务机构办理，也可通过中国专利法律服务机构联系外国专利法律服务机构办理。

## **2 涉外商标服务**

### **(1) 受理机关**

国家知识产权局商标局受理商标注册申请等行政事项，具体包括：商标注册申请、商标申请人名义或地址变更申请、商标转让申请、商标许可备案申请、商标异议申请、撤销连续三年不使用注册商标申请、商标驳回复审申请、商标不予注册复审申请、撤销连续三年不使用注册商标复审申请、商标无效宣告申请、商标异议答辩 / 不予注册复审答辩 / 无效宣告答辩、商标注册及撤回申请、商标补发商标注册证申请、申请商标注册证明、商标变更代理人申请。

北京知识产权法院、北京市高级人民法院受理商标行政诉讼案件。

各地（区）法院根据案件的具体情况受理商标民事诉讼、刑事诉讼。

国家知识产权局商标局或地方市场监督管理部门受理商标投诉。

### **(2) 商标申请服务**

#### **①国内商标申请服务**

自然人、法人或者其他组织申请商标注册或者办理其他商标事宜，可以自行办理，也可以委托依法设立的商标代理机构办理。

中国香港特别行政区、中国澳门特别行政区及中国台湾地区自然人、法人或者其他组织，外国人或者外国企业在中国内地 / 大陆申请商标注册和办理其他商标事宜的，应当委托依法设立的商标代理机构办理。

国家知识产权局商标局商标网提供商标申请相关指引，部分罗列如下：

A. 申请事项的申请书式模板请见：<https://sbj.cnipa.gov.cn/sbj/sbsq/sqss/>

B. 申请事项的递交材料说明请见：<https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/>

C. 商标注册申请常见问题指南请见：

[https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/202211/t20221103\\_23079.html](https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/202211/t20221103_23079.html)

D. 国家知识产权局商标局商标网可查询中国国内商标的申请情况和近似检索：

<https://cas.sbj.cnipa.gov.cn/cas/login?service=https://wcjs.sbj.cnipa.gov.cn/cas/login>

E. 商标注册用商品和服务项目申报指南请见：

<https://sbj.cnipa.gov.cn/sbj/sbsq/sphfwfl/>

## ②境外商标申请服务

### A. 逐一国家 / 地区注册

申请人可以依据自身需求，按照各国 / 各地区的法律，逐一向各国 / 各地区的商标主管机关递交商标注册申请。

### B. 区域性国际组织注册

申请人可以选择任意一个或者多个区域性组织提交商标申请注册，目前，相关区域性组织包括：

a. 欧盟知识产权局（European Union Intellectual Property Office）：负责欧盟国家的商标和外观设计的注册与管理，详情请见：<https://www.euipo.europa.eu/en>；

b. 比荷卢知识产权组织（Benelux Office for Intellectual Property）：负责处理比利时、荷兰、卢森堡三国的知识产权事务，详情请见：[www.boip.int/en](http://www.boip.int/en)；

c. 非洲知识产权组织（African Intellectual Property Organization）：由前法国殖民地中的官方语言为法语的国家组成的保护知识产权的一个地区性联盟，统一管理各成员国的商标事务，详情请见：[www.oapi.int](http://www.oapi.int)；

d. 非洲地区工业产权组织（African Regional Intellectual Property Organization）：非洲地区诸多英语国家的知识产权保护区域性组织，目前有 21 个成员国，详情请见：<https://aripo.org/>。

### C. 马德里商标国际注册

由“马德里协定”和“马德里议定书”所适用的国家或政府间组织所组成的商标国际注册特别联盟，目前有 193 个成员国。申请人可以自行向商标局提交申请，也可以委托国家认可的商标代理机构办理。

成员国列表请见：[ps://www.wipo.int/members/en/](https://www.wipo.int/members/en/)。

## 3 涉外著作权服务

### （1）作品的版权登记

不论是在中国还是在海外大多数国家，著作权人的版权获得保护不以进行登记为要件。但是为了更好地证明自己拥有版权、在版权纠纷诉讼中发挥证据作用，我们还是建议中国企业对自己的作品进行版权登记。

根据《伯尔尼保护文学和艺术作品公约》（以下简称“《伯尔尼公约》”），公约的成员国的公民、法人的作品在其他成员国都享受国民待遇，自动受到同样的著作权保护。中国企业的作品要在《伯尔尼公约》的其他成员国（如美国等）行使版权，既可以使用中国的作品版权登记（需进行公证和认证），也可以在拟诉讼维权的国家进行版权登记。如果在海外进行作品版权登记，则在海外维权

时会更加便利。

## **(2) 中国的版权登记**

中国的版权登记可分为软件版权登记和非软件的作品登记，作品的登记机关是国家版权局和各省、自治区、直辖市版权局，各版权登记机关出具的版权登记证书的法律效力是一致的。为提高版权登记的工作效率、方便著作权人，版权登记机关往往会委托版权办理机构（如中国版权保护中心、各地的版权保护中心）办理版权登记。权利人办理版权登记，可以根据相关要求，自行向办理机构（或登记机关）提交版权登记申请，也可以委托代理机构办理版权登记。

①选择国家版权局为作品登记机关的，办理机构为中国版权保护中心，登记网站为：

<https://www.ccopyright.com.cn>。

②选择北京市版权局为作品登记机关的，办理机构为北京市版权保护中心，登记网站为：

<https://banshi.beijing.gov.cn/pubtask/task/1/110000000000/b59addd1-50b7-478f-bbe5-5c9a2b9f9169.html>（北京市政服务网作品自愿登记系统）。

## **(3) 海外版权登记**

中国企业可以向海外出口目标国的版权主管机关申请办理版权登记，各国的版权登记机关和登记要求各有不同之处。以美国版权登记为例，需要向美国的版权办公室（OCC）提交登记申请。

美国版权登记所需资料：

①作品的名称；

②确认作品的类型；

③作者的信息，包含名字、国籍和地址，其中，地址信息中必须包含国家名称，还有邮政编码，另外，对于是否有匿名情形或有曾用名，如果有，就需要提供；

④申请人的名字、地址还有联系方式；

⑤申请人获得该作品版权所有权的途径；

⑥作品最初创作的日期和作品完成的日期；

⑦作品是否已公开，如果已公开，公开的日期（年、月、日）和首次公开的国家；

⑧作品是否有部分被排除在版权要求之外。

## **(4) 著作权集体管理组织**

著作权人可以选择加入著作权集体管理组织，以便更好地维权和获得版权收益。著作权集体管理组织通过获得著作权人和邻接权人的授权，对某些受著作权和邻接权保护的客体（如音乐作品、录音制品等）的使用予以许可、收取相应报酬，在收取报酬后收取后再向著作权人和邻接权人进行分配，并且有权以自己的名义进行涉及著作权及与著作权有关权利的诉讼、仲裁。这里列举我国的著作权集体管理组织的信息如下：

①中国音乐著作权协会，地址：北京市东城区东单三条 33 号京纺大厦五层（王府井书店北门、北方佳苑饭店对面），电话：010-65232656，官网：[www.mcsc.com.cn](http://www.mcsc.com.cn)。

②中国文字著作权协会，地址：北京市西城区阜外大街甲 35 号，电话：010-65978905/06/16/17（总机），网址：[www.prccopyright.org.cn](http://www.prccopyright.org.cn)。



③中国电影著作权协会，地址：北京市西城区北展北街5号5层，电话：010-62364640，电子邮箱：cfcac2009@163.com。

④中国摄影著作权协会，地址：北京市东城区东四十二条48号，电话：010-65978100，会员部电子邮箱：hyb@icschina.net。

⑤中国音像著作权集体管理协会，地址：北京市朝阳区东三环北路38号院3号楼安联大厦22层2212号，电话：010-66086468/6427/6442/6649。

### **(5) 国际版权认证机构**

中国企业可以向国际版权认证机构申请进行版权国际认证，用于证明海外版权的效力。部分国际版权认证机构及其北京办事处的信息如下：

①商业软件联盟（BSA）北京代表处，地址：北京市朝阳区霄云路38号现代汽车大厦17层1701-11室，电话：010-65675155，电子邮箱：ashley1@bsa.com。

②国际作者和作曲者协会联合会（CISAC）北京代表处，地址：北京市朝阳区建国门外大街2号银泰写字楼C座1549室，电话：010-65637895，电子邮箱：asiapacific-office@cisac.org。

③国际唱片业协会（IFPI）北京代表处，地址：北京市朝阳区高碑店乡北花园村388号华汇大厦A座3层3011室，电话：010-87945111。

④美国电影协会（MPA）北京代表处，地址：北京市朝阳区光华路9号B7-2室，电话：010-65858766，电子邮箱：beijingoffice@mpachina.org。

⑤日本唱片业协会（RIAJ）北京代表处，地址：北京市东城区张自忠路10号华人一品大厦2132室，电话：010-84017517，电子邮箱：shu\_kz@vip.163.com。

⑥日本内容产品海外流通促进机构（CODA）北京代表处，地址：北京市朝阳区朝阳北路99号大悦公寓北楼2605室，电话：010-84017527，电子邮箱：shu\_kz@vip.163.com。

⑦韩国著作权委员会（KCC）北京代表处，地址：北京市朝阳区光华西里1号6号楼4层405室，电话：010-65015437。

### **(6) 海外著作权维权方式**

如果中国企业发现自己的著作权在海外被他人不当使用，可以考虑采取以下方式进行维权：

- ①收集侵权证据，及时进行公证保全，并向当地的法院提起著作权侵权诉讼；
- ②向侵权方发送侵权警告函，要求对方停止侵权并赔偿损失，并与对方协商解决；
- ③在亚马逊等电商平台以侵犯著作权为由提起投诉，要求侵权产品下架；
- ④在中国海关及外国海关对著作权进行备案，防止侵犯著作权的侵权产品进出口；
- ⑤对可能构成犯罪的严重著作权侵权行为，可以向当地司法机关进行刑事报案。

## 4 商业秘密保护

### （1）我国商业秘密保护的法律法规

- ① 《中华人民共和国民法典》
- ② 《中华人民共和国反不正当竞争法》
- ③ 《最高人民法院关于审理侵犯商业秘密民事案件适用法律若干问题的规定》（该规定自 2020 年 9 月 12 日起施行）
- ④ 《中华人民共和国刑法》
- ⑤ 《最高人民法院、最高人民检察院关于办理侵犯知识产权刑事案件具体应用法律若干问题的解释（三）》（该规定自 2020 年 9 月 14 日起施行）

### （2）商业秘密保护制度概述

商业秘密是企业重要的知识产权，关乎企业的生存与发展。《中华人民共和国民法典》将商业秘密列为知识产权保护的客体。商业秘密，是指不为公众所知悉、具有商业价值并经权利人采取相应保密措施的技术信息、经营信息等商业信息。商业秘密必须同时具备“三性”，即不为公众所知悉指的是商业秘密的“秘密性”，具有商业价值指的是商业秘密的“价值性”，经权利人采取相应保密措施指的是商业秘密的“保密性”。商业秘密具有特殊性，不能对抗善意第三人，善意第三人可以通过正当手段获取并实施商业秘密。

在企业遭遇侵犯其商业秘密的情况下，企业一般可以采取民事诉讼、刑事控告、行政举报的救济途径。对于权利清晰，侵权行为亦可查证的商业秘密侵权案件，通常采取民事诉讼途径；对于侵权行为隐蔽，需要公权力介入调查的，可以采取行政举报的方式；对于情节比较严重，给企业造成重大损失的侵害商业秘密行为，可以直接采取刑事控告的方式。维权方式各有优势，可以由企业根据每个案件的具体情况来决定。

### （3）商业秘密民事诉讼救济

#### ①受理机关

侵害商业秘密民事纠纷案件的地域管辖按照侵权案件的规则确定，通常由侵权行为实施地、侵权结果发生地、被告住所地的人民法院管辖。

商业秘密案件的级别管辖，需要根据案件情况具体确定，如案件复杂，涉及技术秘密，此类商业秘密侵权案件一般由知识产权法院，省、自治区、直辖市人民政府所在地的中级人民法院，最高人民法院确定的中级人民法院管辖。商业秘密侵权案件，基层人民法院亦可管辖。关于基层法院的管辖标准，最高人民法院有详细规定，具体可参见《最高人民法院关于第一审知识产权民事、行政案件管辖的若干规定》《最高人民法院关于基层人民法院管辖第一审知识产权民事、行政案件标准》。

#### ②诉讼准备

立案证据准备，主要包括原告商业秘密权利证据、侵权证据、损失索赔证据。商业秘密的权利人对其拥有的信息是否构成商业秘密负有举证责任，包括商业秘密的载体、具体内容、商业价值和

采取的具体保密措施等。而被告方则针对原告是否具备商业秘密的必要条件进行抗辩。《中华人民共和国反不正当竞争法》第三十二条规定了举证责任的转移，即，商业秘密权利人提供初步证据，证明其已经对所主张的商业秘密采取保密措施，且合理表明商业秘密被侵犯，则涉嫌侵权人应当证明权利人所主张的商业秘密不属于本法规定的商业秘密。

商业秘密权利人在完成立案证据收集整理和起诉状等材料的准备工作后，依据《中华人民共和国民事诉讼法》第一百二十二条之规定、《中华人民共和国反不正当竞争法》第九条之规定，向有管辖权的人民法院提起侵害商业秘密纠纷诉讼案件。在司法实践中，当商业秘密权利人有证据证明涉嫌侵权人有渠道或者机会获取商业秘密，且其使用的信息与该商业秘密实质上相同时，若涉嫌侵权人未能举证证明其使用的信息来源合法或实际不侵犯商业秘密时，可以推定涉嫌侵权人实施了侵害商业秘密的行为。

商业秘密权利人在搜集证据时，可向公证处申请出具相应的公证书。

在中国法律服务网的任务栏“办公证”可查询相关公证处的信息，网址：

<http://www.12348.gov.cn/#/publicities/notarization/notarization>

如果商业秘密涉及复杂的专业技术问题，必要时可向专业鉴定机构申请鉴定，以向法院提供专业鉴定意见。

在中国法律服务网的任务栏“寻鉴定”可查询相关鉴定机构的信息，网址：

<http://www.12348.gov.cn/#/publicities/identification/identification>

#### **（4）商业秘密行政救济**

##### **①受理部门**

侵犯商业秘密行为由违法行为发生地的县级以上市场监督管理部门认定处理。

##### **②举报方式**

权利人向市场监督管理部门举报的，可以通过市场监督管理部门公布的接收投诉举报的互联网平台（如，全国12315平台：<https://www.12315.cn/>）、邮寄、窗口办理、电话等渠道进行举报。

##### **③立案要求**

权利人向市场监督管理部门举报侵犯商业秘密行为时，应当提供其拥有的商业信息符合商业秘密的法定条件，以及其商业秘密被侵犯等证明材料。对于符合以下条件的，行政机关应当依法立案：有明确的违法嫌疑人，有证据初步证明存在侵犯商业秘密行为，属于本部门管辖，在给予行政处罚的两年法定期限内。

##### **④调查方式**

市场监管部门调查涉嫌侵犯商业秘密行为时，可采取现场检查、询问、查询和复制资料、查封或扣押涉嫌违法物品等措施，同时按照有关规定采取拍照、录音、录像等方式记录现场情况。

#### **（5）商业秘密刑事救济**

《中华人民共和国刑法》第二百一十九条对侵犯商业秘密罪进行了规定，相较于民事诉讼，商业秘密的刑事保护在效果上更具有震慑优势，一是可以对涉嫌侵权行为进行严厉打击，二是可以启动刑事附带民事诉讼程序，将权利人的损失或侵权人的获利或参照许可使用费标准作为赔偿的依据

进行索赔。

#### ①刑事立案追诉标准

侵犯商业秘密，涉嫌以下情形之一的，应予立案追诉：给商业秘密权利人造成损失数额在三十万元以上的；因侵犯商业秘密违法所得数额在三十万元以上的；直接导致商业秘密的权利人因重大经营困难而破产、倒闭的；其他给商业秘密权利人造成重大损失的情形。

#### ②刑事控告流程

在报案准备阶段，商业秘密权利人需要准备拟向受理案件的公安机关提供的初步证据，即权利证据、涉嫌侵权证据、损失证据。刑事案件的证据要求相较其它途径来讲更高些，搜集证据必要时应办理公证，涉及技术秘密需要鉴定的，应申请进行专业鉴定，尽可能充分地准备证据。在报案材料完成以后，可以前往有管辖权的公安机关（一般是犯罪行为地的县级以上公安机关）进行报案，提交报案材料。公安机关应在7日审查期限内，最长经批准延长至不得超过2个月内作出《立案决定书》或《不予立案通知书》。

公安机关立案后，案件进入侦查阶段。对于权利人自己无法取得的侵权证据，公安机关有权收集、调取相关的证据材料，收集到权利人无法获取的证据，补足侵权证据，此时权利人可以根据自身损失情况准备提起刑事附带民事诉讼。

### **（6）企业海外商业秘密保护**

企业在跨国合作、竞争中需要重视商业秘密的保护。不论是企业自身商业秘密保护，还是被境外企业指控侵犯商业秘密，风险预防是企业首要应当做好的。中国企业在海外保护商业秘密可以采取一些措施，包括但不限于以下内容：

①签订保密协议：与外国合作商和员工签订保密协议，明确商业秘密的保护范围和责任，规定泄密的后果和补偿。保密措施须落实到位。

②知识产权注册：在外国注册商标、专利和版权，增加知识产权保护范围，提高商业秘密的保密性。

③加强信息安全管理：加强对商业秘密的保护措施，包括信息加密、网络安全防护、员工培训等，防止外部人员获取商业秘密。

④寻求法律保护：熟练掌握当地的知识产权法律和法规，如遇侵权纠纷，委托当地的律师和专家参与纠纷处理。

总之，中国企业在海外保护商业秘密需要综合运用法律、技术和管理等手段，加强保护意识和能力，确保商业秘密的安全。

## **5 知识产权海关保护**

### **（1）知识产权海关保护备案的法律依据**

①《中华人民共和国知识产权海关保护条例（2018修正）》

②《中华人民共和国海关关于〈中华人民共和国知识产权海关保护条例〉的实施办法》

## **(2) 知识产权海关保护备案的备案网址及流程**

### **① 知识产权海关保护备案的部门及备案网址**

通过海关总署知识产权海关保护子系统，注册登录，向海关总署申请备案。网址为：

<http://202.127.48.145:8888/auth/logon!LoadUser.do>

### **② 知识产权海关保护备案的流程及相关链接如下：**

申请人登录知识产权海关保护系统→在线填写备案申请表→提交备案申请→系统受理→材料补正（申请人发现申请错误需要补正的，可以在海关审核前自行撤回修改）→海关审核→办结。

[http://huangpu.customs.gov.cn/beijing\\_customs/434817/xbszn99/zscq14/3429035/index.html](http://huangpu.customs.gov.cn/beijing_customs/434817/xbszn99/zscq14/3429035/index.html)。

## **(3) 可以备案的知识产权类型**

可以备案的知识产权类型为：商标专用权、专利权（发明、外观设计、实用新型）、著作权以及和著作权有关的权利。

## **(4) 海关扣留侵权嫌疑货物**

### **① 海关依知识产权权利人申请扣留侵权嫌疑货物**

知识产权权利人发现侵权嫌疑货物即将进出口的，可以向货物进出境地海关提出扣留侵权嫌疑货物的申请，并在海关规定的期限内向海关提供相当于货物价值的担保。

### **② 海关依职权扣留侵权嫌疑货物**

海关对进出口货物实施监管，发现进出口货物有侵犯在海关总署备案的知识产权嫌疑的，主动中止货物的通关程序并通知知识产权权利人，根据知识产权权利人是否申请扣留及是否提供担保，决定对货物是否进行扣留。

## **(5) 针对侵权嫌疑货物向法院提起知识产权侵权诉讼**

在依申请保护情形下，海关对依申请扣留的侵权嫌疑货物不进行调查，海关扣留侵权嫌疑货物后，权利人需要就有关侵权纠纷向人民法院起诉。

在海关依职权保护模式下，海关依职权扣留侵权嫌疑货物，有权在自扣留之日起 30 个工作日内对侵权嫌疑货物进行调查、认定。若海关认定被扣留的侵权嫌疑货物是侵犯知识产权的，有权对货物予以没收且有权对有关当事人进行处罚并将相关情况书面通知权利人。若不能认定，权利人可以向人民法院申请采取责令停止侵权行为或者财产保全的措施。

对于拥有商标权、著作权的知识产权权利人，其可以向侵权嫌疑货物扣押所在地、被告住所地、侵权行为实施地的法院提起侵权诉讼。

对于拥有专利权的权利人，其可以向被告住所地或侵权行为地的法院提起侵权诉讼。

## **(6) 企业在知识产权方面应对国外海关可以采取以下措施：**

① 知识产权注册：在目标国家注册商标、专利和版权等知识产权，加强对知识产权的合法性和权益的保护。

② 提供相关文件：在海关申报时，提供与知识产权相关的证明文件，如专利证书、商标注册证明等，以证明企业对知识产权的权利合法性。



③建立合作关系：与海关建立密切沟通与合作，便于海关更好地了解企业的知识产权情况，积极保护企业的知识产权。

④监测和举报：定期监测和调查可能存在的侵权行为，如针对仿冒产品的贸易活动，及时向海关举报，寻求海关的协助进行执法打击。

总之，企业应加强对知识产权的保护意识，采取多种手段与国外海关合作，并与相关国外专业机构（如，律师事务所、会计师事务所）合作，以及时维护企业知识产权的合法权益。

### （三）展会知识产权侵权应对指引

#### 1 在中国境内参展，企业可采取以下措施：

（1）当参展企业侵权时，合法搜集侵权证据，并确认自身知识产权的稳定性和有效性。可向侵权企业发警告函或律师函，要求停止侵权行为并下架产品等。

一般情况下，展会会事先公布参展商的名单。为维权之目的，需要确定涉嫌侵权的参展商的具体展位、展出产品及产品手册，做好前期侵权信息收集工作，以便更好地完成展会公证保全证据和展会投诉工作。

##### （2）向展会知识产权部门投诉

对于设有知识产权部门的展会，当企业发现知识产权侵权产品时，可以联系展会知识产权部门，提交投诉申请书。投诉材料一般包括：①投诉申请书，应包括投诉人与被投诉人的基本情况，以及被投诉参展项目涉嫌侵犯知识产权的事实、理由和相关证据材料；②有效知识产权权属证明，其中，涉及专利权的，应当提交专利证书、专利公告文本、专利权人的身份证明、专利法律状态证明、被投诉的参展者名称及参展展位号等；涉及商标的，应当提交商标注册证明文件、商标权利人身份证明等；涉及著作权的，应当提交著作权登记证书或相关证明、著作权人身份证明等必要证明材料。委托代理人投诉的，还应提交授权委托书及代理人身份证明文件。

##### （3）向相关行政机关投诉查处

为防止侵权行为的继续发生和损失扩大，企业可以向相关行政机关申请采取行政保全措施，包括但不限于查封、扣押侵权产品、责令停止侵权行为等。

如侵权行为涉及商标或专利侵权，可以根据侵权案件性质和侵权方所在地，向国家知识产权局或地方知识产权局、各级市场监督管理局投诉；如涉及著作权侵权，可以向国家版权局或地方版权局投诉。

##### （4）向法院申请诉前行为保全

企业因情况紧急，不立即申请行为保全将会使其合法权益受到难以弥补的损害的，可以在提起诉讼前向人民法院申请采取行为保全措施，如请求禁止涉嫌侵权公司再次参展实施涉嫌侵权行为的



申请。诉前行为保全申请要面临法院对请求的事实基础、法律依据及知识产权稳定性的审查，以及对侵权可能性的审查、行为紧迫性的审查。由于此类申请专业性较强，企业可咨询律师办理。

## 2 在中国境外参展，企业应注意以下事项：

(1) 在参展前，确保在目的地国家的法律框架下对知识产权进行充分的保护，即在目的地国家对公司的商标、专利和其他知识产权进行注册，以确保在展览期间的权益。

(2) 在参展前，制定完备的知识产权保护策略，包括监测、保护和应对侵权行为的计划。在必要时，寻求专业的知识产权律师或专家的意见和支持，确保在参展时的知识产权得到充分的保护。

(3) 企业在参展时遭遇临时禁令或执法，企业应配合执法人员的工作，获取、保存执法文件以及扣押或没收清单，并在律师等专业人员的帮助下寻求问题解决途径，避免因抵抗或妨碍执法而带来不必要的损失。企业遭遇执法后，可以依据执法地法律向相关部门提出执法异议、申诉、诉讼等，提交证明企业没有侵权的相关证据。

(4) 企业遭遇他人侵犯自身知识产权的，可以先委托当地的知识产权服务机构和专业律师，先分析是否构成侵权，然后选择维权方式，固定证据，准备维权材料，寻求救济等，进行自身的知识产权保护。企业要提前熟悉展会举办地的法律规定，及时运用警告函或临时禁令等方式要求对方停止侵权，维护自身权益。

## 五、涉外公证服务篇

### (一) 涉外公证发展概况

北京市司法局积极引导首都公证行业立足国际交往中心的首都功能定位，以首善标准积极作为，充分发挥涉外公证职能作用，提供优质高效的涉外公证法律服务。

#### 1 强化人才培养 服务更加专业

目前，北京市 24 家公证机构均可办理涉外公证业务，全市公证行业具有涉外法律服务资格的公证员 327 名，占公证员总数的 73.3%，具有五年以上涉外法律服务经验的公证员 209 名，占全市具有涉外公证业务资格的公证员数量的 63.9%。

市司法局健全涉外公证人才培养机制，推进涉外公证队伍正规化、专业化、职业化建设，指导市公证协会成立涉外涉港澳台专门工作委员会，负责开展与国际和港澳台公证组织的交流与合作，拓展和规范涉外和涉港澳台业务；积极推荐符合条件的公证员参加中国公证协会举办的涉外公证业务专题培训；将涉外业务纳入公证培训课程体系，每年至少举办一期公证员涉外业务培训，确保全市公证员涉外法律服务培训全覆盖；与首都高校密切合作，探索构建实践导向的涉外公证人才培养机制；加强与国（境）外同行交流合作，着力培养一批通晓国际规则、具有国际眼光和国际视野、具有丰富公证经验的高层次涉外公证人才。

#### 2 发挥职能优势 作用日益彰显

北京市公证行业发挥涉外公证在对外经贸合作中的法律“通行证”作用，在企业与“一带一路”沿线国家基础设施建设、项目招标投标、跨境投融资、经贸交流合作、对外劳务派遣等方面提供多样化、高质量的公证法律服务。

近三年，北京市公证行业共为企业、个人办理涉外公证事项 49 万件，出具的涉外公证书发往 180 多个国家和地区，业务范围辐射“一带一路”沿线 90% 以上的国家，为贸易、科技、能源、建筑、金融等企业与“一带一路”沿线国家合作开发、投融资等提供公证法律服务，办理授权委托书、外派协议、营业执照、章程、授权书、审计报告、董事会决议、业绩证明、人员学历证明、工作证明、职称证书、无罪证明等公证事项，为“一带一路”建设提供法律支持和智力保障。

### 3 坚持改革创新 持续提升影响力

首都公证行业积极参与中国企业和公民“走出去”法律事务，全市公证行业涉外新型业务持续提升。目前，北京已有三家公证处被司法部、外交部联合授予海外远程视频公证资格，与 100 多家驻外使领馆建立海外远程视频公证合作办理机制，共办理海外远程视频公证 300 多件。九家公证机构实现“涉外公证+领事认证”一体联办，在办理涉外公证时受理领事认证办理申请，代收申请材料，实现了部门协作、工作联动、企业受益。此外，首都公证行业积极参与中国国际服务贸易交易会、中关村论坛、金融街论坛，进一步扩大了首都涉外公证服务的影响力，开启了首都公证行业对外开放发展的新篇章。

## （二）涉外公证特色服务

### 1 海外远程视频公证

开展海外远程视频公证试点工作是发挥我国驻外使领馆平台优势和国内公证机构专业优势，创新“互联网+公证”服务模式的积极实践。公证行业始终践行执业为民理念，坚持稳妥务实、循序渐进、真实合法的原则，充分尊重公证当事人意愿和实际需求，严格依法依规办理公证事项，让旅居海外的中国公民在享受公证法律服务中有更多的获得感、幸福感和安全感。

**适用对象：**适用于具有中华人民共和国国籍的大陆（内地）地区居民，并在外交部试点馆所在国长期居住（指已在所在国连续停留达 180 天，或已获得所在国永久、长期居留身份证件或工作、学习等长期签证的情形）的当事人，让海外中国公民办理公证不再是难事。

**业务范围：**

（1）申请办理的公证事项系驻外使领馆不具备办理条件，且公证书原则上在国内（除港澳台地区）使用，当事人自愿选择其国内住所地、经常居住地、行为地、事实发生地的试点公证机构办理海外远程视频公证。

试点公证机构应当遵守公证执业区域的规定和要求，涉及不动产的公证，应当按照《中华人民共和国公证法》第二十五条第二款的规定办理。

（2）可申请办理海外远程视频公证的事项包括：声明、委托（包括涉房产、股权、继承等财产类事务）、婚姻状况、国籍、姓名、出生、死亡、亲属关系、无犯罪记录、经历、学历、证书（执照）、文书上的签名、印鉴、文本相符公证等。

涉及处分财产的声明公证应当符合以下条件：

①为公证机构办理关联公证事项时所需；

②当事人承诺将其手写签名的声明书纸质文本原件，通过试点使领馆或签证中心邮寄给公证机构存档。

涉及处分财产的委托公证应当符合以下条件：

- ①受托人是委托人的近亲属；
- ②该处分遵循公平原则；
- ③受托人无转委托权；
- ④处分价款全部转入委托人本人在国内的银行账户。

## 2 公证服务“一带一路”

“一带一路”建设，关键在于联通，前提在于互信，而公证制度作为一项国际通行的预防性法律制度，具有法定证据效力、强制执行效力，为各国各类民商事活动主体架起联通的桥梁，系起互信的纽带。全市公证机构为数百家企业与“一带一路”沿线国家合作开发、投融资等提供公证法律服务，业务范围辐射“一带一路”沿线 90% 以上的国家，为保障“一带一路”建设、优化法治化营商环境作出积极贡献。

### 服务领域：

- (1) 为基础设施建设招投标、承揽工程提供服务；
- (2) 为跨境贸易提供电子数据存证提供服务；
- (3) 为知识产权保护提供服务；
- (4) 企业跨境贸易担保提供公证服务；
- (5) 为在跨境贸易中的争议处理提供公证服务；
- (6) 为办理出入境签证提供传统涉外公证服务；
- (7) 为继承境内外遗产提供公证服务。

## 3 涉外公证认证一体联办

涉外公证文书要在国外顺利使用，大多数涉及公证、认证两个环节。以往当事人拿到公证书后，还要自行联系办理认证手续。近年来，北京市公证行业持续推进“涉外公证+领事认证”一体联办，当事人申请办理公证的同时，即可同步申请领事认证代办服务，等当事人领取公证书的时候，就已经是一份也办理好认证的公证书了。

目前北京市 9 家公证机构实现了公证、认证一站式服务，分别是：北京市方圆公证处、北京市长安公证处、北京市东方公证处、北京市信德公证处、北京市中信公证处、北京市正阳公证处、北京市海诚公证处、北京市求是公证处、北京市国信公证处。

### (三) 首都涉外公证机构名录

#### 市属公证机构

**北京市方圆公证处** 北京市方圆公证处业务涉及涉外公证、现场监督、保全证据、赋予债权文书强制执行效力等公证法律服务领域，可依法办理各类国内和涉外、涉港澳台公证。

地址：北京市东城区朝阳门内大街东水井胡同5号北京INN大厦2号楼一层、三层、五层和十层

电话：010-85197666

微信公众号：



**北京市长安公证处** 北京市长安公证处立足公证法律服务职能，业务范围主要是涉外民事公证、涉外经济公证、国内民事公证、国内经济公证、涉港澳台公证等。

地址：北京市东城区朝阳门北大街6号首创大厦

电话：010-65544478

微信公众号：



#### 东城区

**北京市东方公证处** 北京市东方公证处业务涉及家事服务、知识产权保护、房地产、金融等诸多法律服务领域，同时提供公证认证一条龙、继承+代办产权一条龙等延伸服务，设立网络接待室，提供在线咨询、预约和办理的全流程线上服务。

地址：北京市东城区安定门外大街168号

电话：010-84217035

微信公众号：



**北京市信德公证处** 北京市信德公证处以家事公证业务为核心，开展民事类绿色公证服务，同时办理各类商事金融、知识产权保护等领域业务，提供涉外公证、翻译、领事认证代办等服务，实现“涉外一站式”办理。

地址：北京市东城区珠市口东大街 4 号 3 层 3-A1

电话：010-67124408

微信公众号：



### 西城区

**北京市国立公证处** 北京市国立公证处充分发挥公证的服务、证明职能作用，业务涉及金融、房地产、国内民事、经济、涉外等领域，提供继承+不动产登记一站式服务及在线预约办理涉外公证业务。

地址：北京市西城区新街口北大街 3 号新街高和三层 309

电话：010-82024800

微信公众号：



**北京市中信公证处** 北京市中信公证处以“金融公证”为特色，可办理委托、声明、遗嘱、继承、保全证据、强制执行公证、提存等国内民事、经济和涉港澳、涉外公证业务，可提供绿色继承、抵押代办、涉外认证等一站式服务。

地址：北京市西城区阜成门外大街 2 号，万通金融中心 4 层和 5 层

电话：010-68442299

微信公众号：



**北京市精诚公证处** 北京市精诚公证处成立了云证中心、资本市场部、国际遗嘱中心、中国法监护中心、家事中心。

地址：北京市西城区骡马市大街 14 号

电话：010-83510001

微信公众号：



### 朝阳区

**北京市正阳公证处** 北京市正阳公证处业务范围主要是民事、涉外以及经济类公证，涉及家事、商事、金融、知识产权等诸多领域，推出公证管家服务，可线上咨询、线上办理，享受一对一专属服务。

地址：北京市朝阳区六里屯西里 7 号楼（朝阳区公共法律服务中心）

电话：010-85961236

微信公众号：



### 海淀区

**北京市海诚公证处** 北京市海诚公证处致力于为国内外的广大当事人提供涉及民事、经济、金融、房地产、知识产权等领域的公证法律服务，2023 年已开展办理海外远程视频公证业务。

地址：北京市海淀区知春路 108 号豪景大厦 A 座 3 层

电话：010-62106523

微信公众号：





**北京市求是公证处** 北京市求是公证处全面办理民事、经济及涉外公证，提供涉外公证网上办及翻译、外事认证一站式服务，疑难复杂家事咨询、调解等附加服务，代办不动产登记；拥有独立自主的区块链，具备落地应用场景能力，提供“区块链存证”及文书保管服务，助力企业投融资、保护知识产权、起草文书及合规审查。

地址：北京市海淀区中关村南大街 24 号

电话：010-62166131

微信公众号：



**北京市国信公证处** 北京市国信公证处在涉外、国内民事与经济领域提供公证法律服务，当事人可通过电话、微信、小程序等多种途径咨询公证业务，提供“公证 + 不动产登记”“公证 + 外交领事认证 + 邮寄”一站式便民服务，成立北京市知识产权公证服务中心，为权利人提供“全链条、一站式”知识产权公证法律服务。

地址：北京市海淀区中关村南大街 12 号天作国际中心 A 座 1 层、9 层、10 层

电话：010-82255185、16600055185（微信同号）

微信公众号：



## 丰台区

**北京市首佳公证处** 北京市首佳公证处深耕传统民生类业务，业务范围主要是各类国内、涉外民事、经济类公证事项，可办理继承、委托、声明、签名、文本相符、证书、保全证据、现场监督等公证。

地址：北京市丰台区西四环南路 56 号望园大厦 10 层

电话：010-63814355

## 石景山区

**北京市燕京公证处** 北京市燕京公证处可办理各类国内、涉外及港澳公证事项，主要业务类型为财产继承与赠与、民事协议、保全证据、现场监督等公证。

地址：北京市石景山区杨庄东路 66 号

电话：010-68875084

微信公众号：



### 门头沟区

**北京市华夏公证处** 北京市华夏公证处服务涉及国内民事、经济以及国外民事、经济范围，主要业务类型为继承、委托、声明、合同（协议）、保全证据、现场监督等。

地址：北京市门头沟区新桥大街 60 号公共法律服务中心

电话：010-69843165

### 房山区

**北京市恒信公证处** 北京市恒信公证处业务范围主要是继承、遗嘱、委托、声明、签名；财产约定、分割；证据保全、现场监督、赋予强制执行效力等相关公证；提供出国留学等各类公证服务及外文翻译。

地址：北京市房山区良乡政通路 23 号大楼 A 座 5 层

电话：010-69365827

微信公众号：



**北京市嘉诚公证处** 北京市嘉诚公证处业务范围主要是国内民事、国内经济、涉外民事、涉外经济及相关公证法律咨询及相关公证事务。

地址：北京市房山区燕山岗南路东一巷（北京石化新材料科技产业基地楼）6 号 C 座 412 室

电话：010-69344820、010-69337035

### 通州区

**北京市潞洲公证处** 北京市潞洲公证处业务范围主要是遗嘱、继承、委托、声明等传统国内公证，出国留学、投资移民等涉外公证，以及现场监督、保全证据、赋予强制执行效力等相关公证。

地址：北京市通州区车站路 48 号东方宾馆 C 座 2 层

电话：010-69557977

微信公众号：



### 顺义区

**北京市龙诚公证处** 北京市龙诚公证处可办理国内民事、涉外民事、经济等各类公证事项、行政法规规定的公证事务。

地址：北京市顺义区南法信镇南法信大街 118 号院天博中心 C 座 1 楼

电话：010-69441820

### 昌平区

**北京市利兆公证处** 北京市利兆公证处可办理国内民事、涉外民事等传统公证事项，在征地转非、违法建设查处等区政府中心工作中提供公证法律服务。

地址：北京市昌平区东环路 146 号

电话：010-69742931

### 大兴区

**北京市志诚公证处** 北京市志诚公证处可办理民事、经济、涉外等公证，服务领域涉及家庭事务与个人权益、各类经济活动、国际交流。

地址：北京市大兴区黄村大街 175 号二层

电话：010-69240442

### 怀柔区

**北京市国泰公证处** 北京市国泰公证处可办理国内民事、经济公证和涉外公证，涉及政府重点项目、征地转非领域。

地址：北京市怀柔区迎宾中路 15 号五层

电话：010-69603558

### 平谷区

**北京市公明公证处** 北京市公明公证处业务涉及社会经济各领域和公民民事活动的各方面，为各大银行及非银行金融机构提供服务。

地址：北京市平谷区平谷电影院西侧二层公明公证处

电话：010-69963834

微信公众号：



### 密云区

**北京市渔阳公证处** 北京市渔阳公证处服务辖区内经济建设和民生类事项，同时为政府提供法律服务，参与法院的司法辅助事项。

地址：北京市密云区新西路 60-2 号

电话：010-69085671

### 延庆区

**北京市夏都公证处** 北京市夏都公证处坚持公证公益属性，开展利企便民服务，为辖区经济社会发展提供公证服务。

地址：北京市延庆区东外大街 98 号

电话：010-69101807

## 六、涉外诉讼、仲裁与调解服务篇

### (一) 北京市涉外诉讼服务

#### 1 概况

北京市各级法院在涉外审判服务方面，已经形成了一套便捷、专业、高效且公正的处理机制：

(1) **专业化的审判人才队伍**：北京市各级法院针对各辖区的区位特点，深化了涉外民事审判的专业化建设。法院注重打造涉外审判特色人才队伍，旨在为涉外案件当事人提供平等的法律保护，满足他们的司法需求。

(2) **多渠道立案服务**：北京市各级法院为涉外案件当事人提供线上、线下多渠道的立案服务，中外当事人通过线上、线下的方式均可立案，如立案材料不齐全，各法院会进行充分告知，以协助涉外案件当事人完成立案程序。

(3) **诉前调解服务**：北京市各级法院在诉讼前端有效整合各类调解资源，通过与司法行政机关协同，设立了“诉前人民调解委员会”，建立了涉台、涉侨、涉外商事等重点领域矛盾纠纷的行专诉调对接机制。

(4) **在线审判服务**：除了传统的线下审判服务，北京市各级法院还应用了先进的技术，将包括证据交换、审判和文件交付在内的法律程序在线化，以方便涉外案件当事人进行诉讼程序。

(5) **域外法查明服务**：北京市各级法院能够按照《最高人民法院关于适用〈中华人民共和国民事诉讼法〉若干问题的解释（二）》文件中的第二条的规定，为涉外案件当事人提供域外法律查明服务。

(6) **语言协助服务**：为了使中文读写存在困难的涉外案件当事人能够在审判中享受同等的法律服务，北京市各级法院提供语言协助服务。

#### 2 北京市各级法院涉外争议的管辖范围

##### (1) 涉外民商事案件的认定

《最高人民法院关于适用〈中华人民共和国民事诉讼法〉的解释（2022 修正）》（以下简称“《民事诉讼法解释》”）第五百二十条规定，有下列情形之一的，人民法院可以认定为涉外民事案件：

①当事人一方或者双方是外国人、无国籍人、外国企业或者组织的；

- ②当事人一方或者双方的经常居所地在中华人民共和国领域外的；
- ③标的物在中华人民共和国领域外的；
- ④产生、变更或者消灭民事关系的法律事实发生在中华人民共和国领域外的；
- ⑤可以认定为涉外民事案件的其他情形。

《民事诉讼法解释》第五百四十九条规定，人民法院审理涉及香港、澳门特别行政区和台湾地区的民事诉讼案件，可以参照适用涉外民事诉讼程序的特别规定。

## **(2) 涉外民商事案件的地域管辖**

《中华人民共和国民事诉讼法（2023 修正）》（以下简称“《民事诉讼法》”）第二百七十六条第一款规定，因涉外民事纠纷，对在中华人民共和国领域内没有住所的被告提起除身份关系以外的诉讼，如果合同签订地、合同履行地、诉讼标的物所在地、可供扣押财产所在地、侵权行为地、代表机构住所地位于中华人民共和国领域内，可以由合同签订地、合同履行地、诉讼标的物所在地、可供扣押财产所在地、侵权行为地、代表机构住所地的人民法院管辖。

## **(3) 涉外民商事案件的级别管辖**

《北京市高级人民法院调整本市部分涉外案件管辖》第一条规定，北京法院管辖的涉外商事案件、涉外民事案件以及外商投资企业设立、出资、确认股东资格、分配利润、合并、分立、解散等与该企业有关的民商事案件和一方当事人为外商独资企业的民商事案件的级别管辖如下所示：

①基层人民法院管辖第一审涉外民商事案件，法律、司法解释另有规定的除外。

②北京市第四中级人民法院集中管辖应由本市中级人民法院管辖的下列第一审涉外民商事案件：诉讼标的额人民币 4000 万元以上（包含本数）的涉外民商事案件；案情复杂或者一方当事人人数众多的涉外民商事案件；其他在本市有重大影响的涉外民商事案件；法律、司法解释对中级人民法院管辖第一审涉外民商事案件另有规定的，依照相关规定办理。

③北京市高级人民法院管辖诉讼标的额人民币 50 亿元以上（包含本数）或者其他在本辖区有重大影响的第一审涉外民商事案件。

## **(4) 当事人对涉外民商事案件管辖法院的选择权**

《民事诉讼法》第二百七十七条规定，涉外民事纠纷的当事人书面协议选择人民法院管辖的，可以由人民法院管辖。

《民事诉讼法》第二百七十九条规定，下列民事案件，由人民法院专属管辖：因在中华人民共和国领域内设立的法人或者其他组织的设立、解散、清算，以及该法人或者其他组织作出的决议的效力等纠纷提起的诉讼；因与在中华人民共和国领域内审查授予的知识产权的有效性有关的纠纷提起的诉讼；因在中华人民共和国领域内履行中外合资经营企业合作合同、中外合作经营企业合作合同、中外合作勘探开发自然资源合同发生纠纷提起的诉讼。

《民事诉讼法》第二百八十二条第一款规定，人民法院受理的涉外民事案件，被告提出管辖异议，且同时有下列情形的，可以裁定驳回起诉，告知原告向更为方便的外国法院提起诉讼：案件争议的基本事实不是发生在中华人民共和国领域内，人民法院审理案件和当事人参加诉讼均明显不方便；当事人之间不存在选择人民法院管辖的协议；案件不属于人民法院专属管辖；案件不涉及中华人民

共和国主权、安全或者社会公共利益；外国法院审理案件更为方便。

《民事诉讼法》第二百八十条规定，当事人之间的同一纠纷，一方当事人向外国法院起诉，另一方当事人向人民法院起诉，或者一方当事人既向外国法院起诉，又向人民法院起诉，人民法院依照本法有管辖权的，可以受理。当事人订立排他性管辖协议选择外国法院管辖且不违反本法对专属管辖的规定，不涉及中华人民共和国主权、安全或者社会公共利益的，人民法院可以裁定不予受理；已经受理的，裁定驳回起诉。

### 3 当事人参加涉外诉讼的方式

#### (1) 涉外民商事案件的立案途径

涉外民商事案件立案的途径有：现场立案，即到法院立案庭（诉讼服务中心）提交立案材料进行立案；邮寄立案，即通过邮寄的方式（建议首选邮政 EMS）将立案材料快递至法院立案庭（诉讼服务中心）进行立案；网上立案，即通过手机端微信小程序搜索“人民法院在线服务北京”或者登录“北京法院电子诉讼平台”通过互联网在线提交立案材料进行立案。

#### (2) 外国人、外国企业和组织参加诉讼

《民事诉讼法解释》第五百二十一条规定，外国人参加诉讼，应当向人民法院提交护照等用以证明自己身份的证件。外国企业或者组织参加诉讼，向人民法院提交的身份证明文件，应当经所在国公证机关公证，并经中华人民共和国驻该国使领馆认证，或者履行中华人民共和国与该所在国订立的有关条约中规定的证明手续。代表外国企业或者组织参加诉讼的人，应当向人民法院提交其有权作为代表人参加诉讼的证明，该证明应当经所在国公证机关公证，并经中华人民共和国驻该国使领馆认证，或者履行中华人民共和国与该所在国订立的有关条约中规定的证明手续。（注意：我国已于 2023 年 3 月 8 日加入《取消外国公文书认证要求的公约》“以下简称‘《公约》’”，该《公约》目前有 125 个缔约国，根据该《公约》的内容，缔约国之间公文书跨境流转相互取消使领馆认证环节，用文书出具国主管机关签发的“附加证明书”来替代“双认证”，以确认文书上印鉴、签名的真实性。）根据《最高人民法院关于为跨境诉讼当事人提供网上立案服务的若干规定》（以下简称“《跨境立案规定》”）第五条的规定，外国人、外国企业或者组织所在国与我国没有建立外交关系的，可以经过该国公证机关公证，经与我国有外交关系的第三国驻该国使领馆认证，再转由我国驻该第三国使领馆认证。如我国与外国人、外国企业和组织所在国订立、缔结或者参加的国际条约、公约中对证明手续有具体规定，从其规定，但我国声明保留的条款除外。（注意：根据《民事诉讼法解释》第五百二十一条第四款，上述“所在国”是指外国企业或者组织的设立登记地国，也可以是办理了营业登记手续的第三国。）此外，《跨境立案规定》第八条规定，外国人、外国企业和组织的代表人在我国境内签署授权委托书，应当在法官见证下签署或者经内地公证机构公证。

《民事诉讼法》第二百七十四条规定，外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，需要委托律师代理诉讼的，必须委托中华人民共和国的律师。《民事诉讼法解释》第五百二十六条



和第五百二十七条进一步规定，涉外民事诉讼中的外籍当事人可以委托本国人为诉讼代理人，也可以委托本国律师以非律师身份担任诉讼代理人；外国驻华使领馆官员，受本国公民的委托，可以以个人名义担任诉讼代理人，但在诉讼中不享有外交或者领事特权和豁免。外国驻华使领馆授权其本馆官员，在作为当事人的本国国民不在中华人民共和国领域内的情况下，可以以外交代表身份为其本国国民在中华人民共和国聘请中华人民共和国律师或者中华人民共和国公民代理民事诉讼。

### **（3）港澳特区居民、企业和组织参加诉讼**

根据《跨境立案规定》第五条和第八条的规定，香港特别行政区、澳门特别行政区（以下简称“港澳特区”）居民应当提交港澳特区身份证件或者港澳居民居住证、港澳居民来往内地通行证等用以证明自己身份的证件；企业和组织应当提交身份证明文件和代表该企业和组织参加诉讼的人有权作为代表人参加诉讼的证明文件，证明文件应当经过内地认可的公证人公证，并经中国法律服务（香港）有限公司或者中国法律服务（澳门）有限公司加章转递；在我国内地签署授权委托书，应当在法官见证下签署或者经内地公证机构公证。

根据《民事诉讼法解释》第五百二十六条和第五百四十九条的规定，港澳特区当事人可以委托本地区人参加诉讼，也可以委托本地区律师以非律师身份担任诉讼代理人。取得内地法律职业资格并获得内地律师执业证书的香港、澳门居民以内地律师身份在法院代理涉港澳诉讼案件的范围应当符合《司法部公告第136号——关于取得内地法律职业资格并获得内地律师执业证书的港澳居民可在内地人民法院代理的涉港澳民事案件范围的公告》之规定。

### **（4）台湾地区居民、企业和组织参加诉讼**

根据《跨境立案规定》第五条和第八条的规定，台湾地区居民应当提交台湾地区身份证件或者台湾居民居住证、台湾居民来往大陆通行证等用以证明自己身份的证件；企业和组织应当提交身份证明文件和代表该企业和组织参加诉讼的人有权作为代表人参加诉讼的证明文件，证明文件应当通过两岸公证书使用查证渠道办理；在我国大陆签署授权委托书，应当在法官见证下签署或者经大陆公证机构公证。

根据《民事诉讼法解释》第五百二十六条和第五百四十九条的规定，台湾地区当事人可以委托本地区人参加诉讼，也可以委托本地区律师以非律师身份担任诉讼代理人。取得内地法律职业资格并获得内地律师执业证书的台湾居民以内地律师身份在法院代理涉台诉讼案件的范围应当符合《取得国家法律职业资格在台湾居民在大陆从事律师职业管理办法（2017修正）》的规定。

### **（5）经常居所地位于国外或者港澳台地区的中华人民共和国内地公民参加诉讼**

根据《跨境立案规定》第五条和第八条的规定，经常居所地位于国外或者港澳台地区的我国内地公民应当提交我国公安机关制发的居民身份证、户口簿或者普通护照等用以证明自己身份的证件，并提供工作签证、常居证等证明其在国外或者港澳台地区合法连续居住超过一年的证明材料。经常居所地位于国外的我国内地公民从国外寄交或者托交授权委托书，必须经我国驻该国的使领馆证明；没有使领馆的，由与我国有外交关系的第三国驻该国的使领馆证明，再转由我国驻该第三国使领馆证明，或者由当地爱国华侨团体证明。

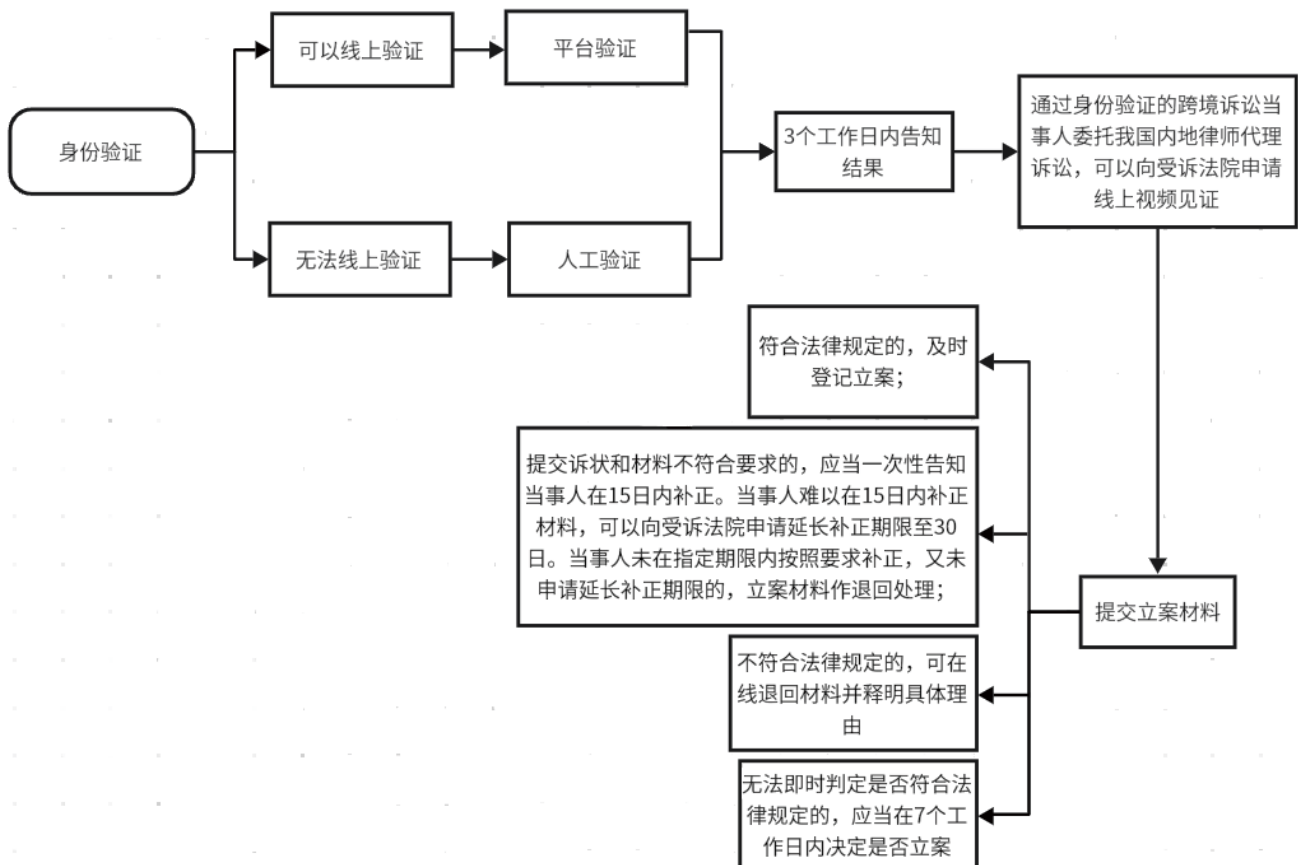
## (6) 跨境诉讼网上立案

自 2021 年 2 月 3 日起，最高人民法院实施《跨境立案规定》，人民法院开通涉外民事诉讼网上立案通道，通过“中国移动微法院”为跨境诉讼当事人提供第一审民事、商事起诉的网上立案服务。

上述“跨境诉讼当事人”包括外国人、港澳特区和台湾地区居民、经常居所地位于国外或者港澳台地区的我国内地公民以及在国外或者港澳台地区登记注册的企业和组织。

根据《跨境立案规定》第四条的规定，跨境诉讼当事人首次申请网上立案的，应当由受诉法院先行开展身份验证。身份验证主要依托国家移民管理局出入境证件身份认证平台等进行线上验证；无法线上验证的，由受诉法院在线对当事人身份证件以及公证、认证、转递、寄送核验等身份证明材料进行人工验证。

《跨境立案规定》第六条规定，通过身份验证的跨境诉讼当事人委托我国内地律师代理诉讼，可以向受诉法院申请线上视频见证。线上视频见证由法官在线发起，法官、跨境诉讼当事人和受委托律师三方同时视频在线。跨境诉讼当事人应当使用中华人民共和国通用语言或者配备翻译人员，法官应当确认受委托律师和其所在律师事务所以及委托行为是否确为跨境诉讼当事人的真实意思表示。在法官视频见证下，跨境诉讼当事人、受委托律师签署有关委托代理文件，无需再办理公证、认证、转递等手续。线上视频见证后，受委托律师可以代为开展网上立案、网上交费等事项。具体流程如下图所示：



### (7) 语言、文字要求

《民事诉讼法》第二百七十三条规定，人民法院审理涉外民事案件，使用中华人民共和国通用的语言、文字。当事人要求提供翻译的，可以提供，费用由当事人承担。《民事诉讼法解释》第五百二十五条进一步规定，当事人向人民法院提交的书面材料是外文的，应当同时向人民法院提交中文翻译件。当事人对中文翻译件有异议的，应当共同委托翻译机构提供翻译文本；当事人对翻译机构的选择不能达成一致的，由人民法院确定。

## 4 北京人民法院涉外争议审判主要办事机构及联系方式

### (1) 北京市高级人民法院

涉外民商事案件由立案庭负责立案，自然人之间、自然人与法人、其他组织之间的相关涉外、涉港澳台民事案件由民事审判一庭负责审理，法人之间和法人与其他组织之间的涉外、涉港、涉澳、涉台商案件由民事审判二庭负责审理。具体联系方式如下：

地址：北京市朝阳区建国门南大街 10 号。

邮政编码：100022；联系电话：010-85268122、010-85268520

交通路线：乘坐 20、39、43、44 内、44 外、52、122、139、637、638 公交车到建国门南站下车即到；或乘坐地铁 1 号线、2 号线到建国门站，B 口出，向南步行约 600 米即到。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，北京市高级人民法院还设有官方网站（<https://bjgy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：京法网事）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### (2) 北京市第四中级人民法院

北京市辖区内的涉外、涉港澳台民商事案件（不包括涉外金融民商事案件）由立案庭负责立案，由北京市国际商事法庭负责审理。具体联系方式如下：

地址：北京市丰台区三顷地甲三号（原北京市第一中级人民法院第二办公区）。

邮政编码：100040；联系电话：010-89082500

交通路线：地铁一号线八宝山站换乘 961 路（或 574、76 路）公共汽车至吴庄南站；276、546、574、598、611、612 路公共汽车至吴庄南站。审判办公区域周边不便停车，建议乘坐公共交通前往。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，北京市第四中级人民法院还设有官方网站（<https://bj4zy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：北京四中院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(3) 北京知识产权法院**

北京知识法院并未设有专门的民事涉外审判庭。北京市辖区内涉外知识产权案件由立案庭统一负责立案，涉外知识产权案件由审判一庭、审判二庭、审判三庭、审判四庭负责审理。具体联系方式如下：

地址：北京市海淀区彰化路 18 号。

邮政编码：100097；联系电话：010-89082000

交通路线 1. 乘坐 414 路，在地铁海淀五路居站下车步行至北京市海淀区彰化南路；2. 乘坐 611 路，在四季青桥南站下车步行至北京市海淀区彰化南路；3. 乘坐地铁 6 号线（海淀五路居方向），在海淀五路居站下车（A 西北口出）步行至五路桥站；4. 乘坐 507 路，在彰化村路站下车步行至北京市海淀区彰化南路；5. 乘坐运通 124 线，在彰化村路站下车步行至北京市海淀区彰化南路；6. 乘坐地铁 6 号线（海淀五路居方向），在慈寿寺站下车（B 东北口出）步行至北京市海淀区彰化南路；7. 乘坐地铁 10 号线（外环），在车道沟站下车（A 西北口出）步行至车道沟桥西站，乘坐运通 124 线，在彰化村路站下车步行至北京市海淀区彰化南路。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，北京市知识产权法院还设有官方网站（<https://bjzcfy.bjcourt.gov.cn/>）、微信公众号（名称：知产北京）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(4) 北京金融法院**

北京金融法院并未设立专门的民事涉外审判庭。涉及北京金融法院管辖的各类涉外金融案件由立案庭（审判管理办公室）统一负责立案，涉外金融民商事案件由民事审判一庭、民事审判二庭负责审理。具体联系方式如下：

地址：北京市西城区红莲南路 59 号院 1 号楼。

邮政编码：100055；联系电话：010-61306240

交通路线：地铁 7 号线，在湾子站下车，步行或换乘其他交通工具至茶马街 8 号；或乘坐公交快速直达专线 201 路、45 路、专 30 路、414 路，在红莲南路站下车即到。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，北京市金融法院还设有官方网站（<https://bjfc.bjcourt.gov.cn/index.html>）、微信公众号（名称：北京金融法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(5) 东城区人民法院**

东城区人民法院并未设立专门的民事涉外审判庭。全区范围内民事案件由东城区法院北区立案庭（诉讼服务中心）统一负责立案。辖区民事涉外案件由民事审判一庭负责审理，此外，辖区商事涉外案件由民事审判三庭、天坛法庭审理，知识产权涉外案件由民事审判三庭（知识产权审判庭）审理。具体联系方式如下：

**立案庭（诉讼服务中心），民事审判一庭，天坛法庭**

地址：北京市东城区交道口东大街 1 号。

邮编：100007；联系电话：010-64016395

交通路线：

公交：乘坐 13、117、684 路公交车到北新桥路口北；或乘坐 116、106 路公交车到北新桥路口南；或乘坐 107、635、612 路公交车到北新桥路口西下车。

地铁：乘坐地铁 5 号线到北新桥站，A 口出。

驾车：北二环雍和宫桥向南第一个红绿灯路口西北角，东二环东直门桥向西第二个红绿灯路口西北角。

### **民事审判三庭（知识产权审判庭）：**

地址：北京市东城区定安里 10 号。

邮编：100075；联系电话：010-87895400

交通路线：

公交：乘坐 7、525、特 11、运通 102 路公交车到定安路站下车或乘坐地铁 5 号线到蒲黄榆站，D 口出，沿安乐林路向西行红绿灯处左转，沿景泰路向南行红绿灯处右转，沿刘家窑路向西行 350 米即到。

地铁：地铁 14 号线景泰站下车，B 口出沿安乐林路走 280 米，右转进入景泰西里居民区街巷，沿景泰西里居民区街巷走 340 米，右转进入刘家窑路，沿刘家窑路走 10 米，左转进入景泰西里居民区街巷，沿景泰西里居民区街巷走 60 米到达。

驾车：从二环路景泰桥，沿景泰路向南行驶，第二个红绿灯处右转，沿刘家窑路向西 350 米。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，东城区人民法院还设有官方网站（<https://dcqfy.bjcourt.gov.cn>）、微信公众号（名称：北京市东城法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **（6）西城区人民法院**

西城区人民法院并未设立专门的民事涉外审判庭，全区范围内涉外民商事案件可在第一办公区、第二办公区、金融街人民法庭立案。辖区部分民事涉外案件（物权纠纷）由民事审判一庭负责审理，此外，辖区其他民事涉外案件以及商事涉外案件由民事审判二庭、民事审判三庭审理，知识产权涉外案件由民事审判四庭（知识产权审判庭）审理。具体联系方式如下：

### **第一办公区**

地址：西城区后英房胡同 1 号。

邮编：100035；民事审判二庭联系电话：010-82222037，民事审判三庭联系电话：010-82222048，民事审判四庭联系电话：010-82222049

交通路线：公交 27 路、44 路、331 路、347 路、80 路、200 路内环至新街口豁口站下车；或者乘坐地铁 2 号线至积水潭站下车。



## 第二办公区

地址：西城区半步桥街 50 号。

邮编：100054；民事审判一庭联系电话：010-82222704

交通路线：公交 19 路、48 路、50 路、59 路、88 路、395 路至右安门内站下车；或者乘坐地铁 4 号线至陶然亭站下车。

## 金融街人民法庭（第四办公区）

地址：西城区广成街 4 号院 2 号楼。

邮编：100033；联系电话：010-82222142

交通路线：公交 7 路、38 路、47 路至辟才胡同下车；或者乘坐地铁 19 号线至太平桥站下车。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，西城区人民法院还设有官方网站 (<https://bjxcfy.bjcourt.gov.cn>)、微信公众号(名称：北京西城法院)、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## (7) 朝阳区人民法院

朝阳区人民法院设有专门的民事涉外审判庭，全区范围内的涉外民事案件由奥运村人民法庭负责立案，其他涉外案件由立案一庭（诉讼服务中心）负责立案。辖区民事涉外案件由奥运村人民法庭负责审理，此外，辖区商事涉外案件（金融纠纷、知识产权案件除外）由民事审判二庭审理，金融纠纷涉外案件由民事审判三庭审理，知识产权涉外案件由民事审判五庭（知识产权审判庭）审理。具体联系方式如下：

### 奥运村人民法庭

地址：北京市朝阳区双泉堡甲十号院西侧，科荟西路与八达岭高速交叉路口科荟桥东北角，京城皮肤病医院路北，双泉堡公交车站东侧蓝色玻璃钢大楼。

邮政编码：100102；联系电话：010-85998733、010-86377768

交通路线：625、618、518、307、607、609、510 双泉堡车站下车即是。

### 立案一庭（诉讼服务中心）、民事审判五庭（知识产权审判庭）

地址：北京市朝阳区广顺北大街 32 号院 7 号楼、8 号楼。

邮政编码：100102；联系电话：立案一庭（诉讼服务中心）：010-85998486，民事审判五庭（知识产权审判庭）：010-85998499

交通路线：地铁 14 号线、15 号线到望京站 F 东北口出，再向北步行 100 米；或乘 130 路、404 路、416 路、451 路、593 路、855 路公交车至侯庄路口南下车。

### 民事审判二庭、民事审判三庭

地址：北京市朝阳区朝阳公园南路甲 2 号。

邮编：100026；联系电话：民事审判二庭：010-85998315、010-85998087，民事审判三庭：010-86377051

交通路线：乘坐公交 31、117、302、419、421、431、499、635、673、682、988 路至甜水园街北口站（朝阳公园站）下车；或乘坐地铁 14 号线朝阳公园站 D2（西南口）出，向西行 400 米即到。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，朝阳区人民法院还设有官方网站（<https://cyqfy.bjcourt.gov.cn>）、微信公众号（名称：朝阳法苑）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

#### **（8）海淀区人民法院**

海淀区人民法院并未设立专门的民事涉外审判庭。派出法庭辖区外的涉外民事案件以及部分民事案件由院机关立案庭（诉讼服务中心）负责立案，对应辖区内的案件于派出法庭立案。辖区民事（物权、不当得利等）涉外案件由民事审判一庭负责审理，辖区其他类型民事涉外案件由民事审判二庭审理，辖区商事涉外案件由民事审判三庭审理，涉金融类案件涉外案件由温泉（金融与清算）法庭审理，涉外知识产权案件由民事审判五庭（知识产权审判庭）审理，对应辖区内民商事案件由各派出法庭审理。具体联系方式如下：

##### **民一庭、民四庭、民五庭（知识产权庭）、民六庭、立案庭、温泉（金融与清算）法庭**

地址：北京市海淀区丹棱街 12 号。

交通路线：乘坐 302、307、320、332、355、365、584、614、681、特 15、特运通 106、运通 105 路公交车到海淀黄庄北站下；或乘坐 304、307、386、611、630、634、671、运通 109 路公交车到海淀南路站；或乘坐 681 路公交车到海淀中街站下或乘坐地铁 4 号线、10 号线到海淀黄庄站下。

院机关联系电话：010-62697011；010-62697395

温泉法庭联系电话：010-62697216

##### **复兴路法庭**

地址：北京市海淀区彰化路 13 号冠方大厦。

交通路线：乘坐地铁 10 号线至慈寿寺站下或乘坐 424 路、644 路、699 路、450 路至营慧寺公交站。

复兴路法庭联系电话：010-82956511

四季青法庭联系电话：010-82956318

复兴路法庭立案点：010-82956205

##### **东升法庭**

地址：北京市海淀区成府路 45 号。

交通路线：乘坐 307、331、375、508、549、630、86、运通 126 路公交车到五道口站下或乘坐地铁 13 号线到五道口站下。

联系电话：010-62697949

##### **山后法庭**

地址：北京市海淀区北清路 160 号翠湖南环路 13 号院 8 号楼。

交通路线：乘坐 544、633、642 路公交车到高里掌东下、或乘坐 544、543、902 路公交车到三星庄南口下、或乘坐地铁 16 号线到稻香湖路站下。

联系电话：010-62697971

立案点：010-62697972



### **上地法庭**

地址：北京市海淀区上地信息路 28 号信息大厦。

交通路线：乘坐 328、393、432、909、运通 126、专 28、446、518、运通 105、运通 118、运通 205 路公交车到上地三街东口下或乘坐 328、449、476、运通 108、518、577、专 28 路公交车到上地三街西口下。

联系电话：010-62697722

### **中关村法庭**

地址：北京市海淀区丹棱街 10 号。

交通路线：乘坐 302、307、320、332、355、365、584、614、681、特 15、特运通 106、运通 105 路公交车到海淀黄庄北站下 4、或乘坐 304、307、386、611、630、634、671、运通 109 路公交车到海淀南路站，或乘坐 681 路公交车到海淀中街站下或乘坐地铁 4 号线、10 号线到海淀黄庄站下。

联系电话：010-62697813

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，海淀区人民法院还设有官方网站 (<https://bjhdfy.bjcourt.gov.cn>)、微信公众号(名称北京海淀法院)、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **(9) 丰台区人民法院**

丰台区人民法院并未设立专门的民事涉外审判庭。全区范围内涉外民事案件由院机关立案庭（诉讼服务中心）负责立案。辖区民事（物权、不当得利等）涉外案件由民事审判一庭负责审理，辖区其他类型民事涉外案件由民事审判二庭审理，辖区商事涉外案件由民事审判三庭审理，知识产权涉外案件由民事审判四庭（知识产权审判庭）审理，对应辖区内民事案件由各派出法庭审理，具体联系方式如下：

**立案庭（诉讼服务中心）、民事审判一庭、民事审判二庭、民事审判四庭（知识产权庭）、卢沟桥人民法庭**

地址：北京市丰台区近园路 9 号。

邮编：100071；立案庭联系电话：010-83287788；010-83827548，卢沟桥人民法庭联系电话：010-83827667，民事审判一庭：010-83827150，民事审判二庭：010-83827384，民事审判四庭：010-83827365

交通路线：乘坐 310、335、340、351、354、480、604、657、689、736、740、840、913、959、967、969、998、特 7、运通 115 路公交车到岔路口站下车，下车后往后走，遇红绿灯往东转至近园路，东行约 600 米，经过丰台区检察院后遇三岔路口左转，向北约 100 米。或乘坐 323、323 快、458、480、531、604、654、687、699、830、830 快、839、840、969、971、973、998、特 7 路公交车到七里庄站下车，下车后西行（在路北的公交车站下车的需走过街天桥），遇三岔路口往南行约 100 米，向西穿过庄维花园小区。或乘坐 335、451、477、658、77 路公交车到东大街北口站下车，南行至红绿灯往西转，西行约 400 米，遇红绿灯往右转，北行约 100 米。或乘坐地铁 9 号

线到七里庄站，A2口出，西行约200米，走过街天桥南行约100米，向西穿过庄维花园小区。

### **民事审判三庭**

地址：北京市丰台区科技园区外环西路16号。

联系电话：010-83287342

交通路线：乘坐959路公交车到中核路口站下车，北行至十字路口，左转沿航丰路西行约250米至外环西路，左转前行约100米（道路右侧）。

### **王佐人民法庭**

地址：北京市丰台区王佐镇南宫路。

联系电话：010-83827419；010-83827368

交通路线：乘坐321、458、459、836区间、951、983路公交车到南宫站或南宫站下车，东行约100米。

### **方庄人民法庭**

地址：北京市丰台区方庄芳城园小区一区2号楼。

联系电话：010-83827435；010-83827226

交通路线：乘坐122、12、352、434、51、684、741、750、750快、91、摆站352、特12、特3路公交车到左安门外站下车，往北走约200米，见红绿灯左转，至路北小区（芳城园一区2号楼）内。

### **花乡人民法庭**

地址：北京市丰台区纪家庙168号（原宝麦酒原料厂）。

联系电话：010-83827454

交通路线：乘坐351、49、67、691、692、专4路公交车到纪家庙站下车，往东遇红绿灯右转沿纪家庙路、柳村路南行约600米；或乘坐300、300快、324、351、368、483、49、631、631快、654、678、67、691、692、698、820、839、971、973、977、978、988、993、998、特8、特8快、运通103、运通108路公交车到夏家胡同车站下车，沿纪家庙路、柳村路南行约800米。

### **右安门人民法庭**

地址：北京市丰台区右安门外大街翠林小区2里18号楼。

联系电话：010-83827474

交通路线：乘坐19、377、454、474、48、72、88路公交车到翠林小区站下车，下车后见红绿灯东行进翠林小区约300米。

### **南苑人民法庭**

地址：丰台区南苑西路11、12号楼。

交通路线：乘坐四号线在新宫站C出口出站，沿南苑西路东南方向到大华超市处向东走400米即到。

### **长辛店人民法庭**

地址：丰台区杜家坎环岛南500米路西，长辛店村委会南侧。

交通路线：459/952/897/837/896/329/391/983/339/662 路公交，在杜家坎南站下车往南走约 500 米或在长辛店北站下车向北走约 500 米驾车路线：G4 京港澳高速杜家坎出口出，杜家坎环岛向率 500 米路西。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，丰台区人民法院还设有官方网站 (<https://ftqfy.bjcourt.gov.cn>)、微信公众号（名称：北京丰台法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(10) 石景山区人民法院**

石景山区人民法院并未设立专门的民事涉外审判庭。全区范围内民事案件由院机关立案庭（诉讼服务中心）统一负责立案。辖区民商事涉外案件由民事审判一庭、民事审判二庭负责审理，此外，辖区商事涉外案件由民事审判三庭，知识产权涉外案件由知识产权审判庭审理。对应辖区内的民商事案件由五里坨法庭审理。具体联系方式如下：

#### **立案庭（诉讼服务中心）、民事审判一庭、民事审判二庭、民事审判三庭、知识产权审判庭、五里坨人民法庭**

地址：北京市石景山区阜石路 169 号。

邮编：100043；联系电话：010-68899888

交通路线：乘 318 路、399（内环）、399（外环）、598 路、663 路、396 路在黄南苑小区南站下车，或乘 921 路、977 路快、358 路公交车在杨庄东站下车，或乘地铁 6 号线在杨庄地铁站下车。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，石景山区人民法院还设有官方网站 (<https://sjsqfy.bjcourt.gov.cn>)、微信公众号（名称：北京石景山法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(11) 门头沟区人民法院**

门头沟区人民法院并未设立专门的民事涉外审判庭。全区范围内民事案件由法院机关立案审判庭统一负责立案。辖区民事涉外案件（标的为不动产或适用特别程序）由民事审判一庭负责审理，此外，辖区商事合同案件由民事审判二庭审理，辖区物权纠纷中的争议标的为动产的案件由民事审判三庭审理，军庄镇、妙峰山镇、王平镇、大台街道办事处地区内的民商事案件由王平村人民法庭审理，雁翅镇、斋堂镇、清水镇地区内的一审民商事案件斋堂人民法庭。具体联系方式如下：

#### **立案审判庭、民事审判一庭、民事审判二庭、民事审判三庭**

地址：北京市门头沟区滨河路 74 号。

邮编：102300；联系电话：010-61868000，立案审判庭联系电话：010-61868012

交通路线：乘坐 941 路公交车至滨河小区站下车即到；或乘坐 960 路公交车至德露苑小区站下车向西步行 300 米即到；或乘坐 977 路公交车至葡东小区站下车即到；或乘坐运通 101、370、992、981、BRT-4 路公交车到双峪环岛西转乘 960 路公交车到德露苑小区站下车向西步行 300 米即到，或换乘 941 路公交车滨河小区站下车即到。

### **王平村人民法庭**

地址：北京市门头沟区王平镇王平大街 9 号。

邮编：102301；联系电话：010-61859615

交通路线：乘坐 892 路、929 路公交车至王平村站下车向北步行 200 米路西即到。

### **斋堂人民法庭**

地址：北京市门头沟区斋堂镇斋堂大街 10 号。

邮编：102309；联系电话：010-69816645

交通路线：乘坐 892、929 支 2 路公交车到斋堂镇政府下车向西步行 100 米即到。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，门头沟区人民法院还设有官方网站 (<https://mtgqfy.bjcourt.gov.cn>)、微信公众号(名称：北京门头沟法院)、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **(12) 房山区人民法院**

房山区人民法院并未设立专门的民事涉外审判庭。全区范围内涉外民事案件由法院机关立案庭（诉讼服务中心）负责立案。辖区民事建筑工程有关涉外案件由民事审判一庭负责审理，辖区商事涉外案件由民事审判二庭审理，为平衡各审判庭案件量而分流的案件由综合审判庭审理。此外房山区人民法院下辖六个派出法庭，分别负责审理各辖区内的民商事案件，其中长沟人民法庭下挂基金业法庭，具体联系方式如下：

### **立案庭（诉讼服务中心）、民事审判一庭、民事审判二庭、综合审判庭**

地址：北京市房山区良乡镇政通路 10 号。

邮编：102488

立案庭联系电话：010-80381045；010-80381161

联系电话：010-89366877

### **城关人民法庭**

地址：北京市房山区城关企业街 4 号。

联系电话：010-80381411

### **窦店人民法庭**

地址：北京市房山区琉璃河镇刘李店村琉璃河派出所旁。

联系电话：010-80381433

### **长沟人民法庭**

地址：北京市房山区长沟镇（长沟镇政府附近约 200 米，毗邻北京农商银行长沟支行）。

联系电话：010-80381455

### **长阳人民法庭**

地址：北京市房山区长阳首创奥特莱斯二期西侧（京良路南侧）。

联系电话：010-80381498

### **燕山人民法庭**

地址：北京市房山区燕山迎风杏花东路 7 号。

联系电话：010-69341496

### **河北人民法庭**

地址：北京市房山区河北镇东庄子村。

联系电话：010-80381134

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，房山区人民法院还设有官方网站 (<https://fsqfy.bjcourt.gov.cn>)、微信公众号(名称:北京房山法院)、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **(13) 通州区人民法院**

通州区人民法院并未设立专门的民事涉外审判庭。涉外民事案件由院机关立案庭（诉讼服务中心）负责立案，各派出法庭辖区内也可于派出法庭立案。通州区北苑街道、玉桥街道、临河里街道、中仓街道、新华街道、杨庄街道；永顺镇的部分（温榆河以西地区）第一审的部分民事涉外案件由民事审判一庭负责审理，此外，以上辖区商事涉外案件由民事审判二庭审理，全区范围内的特定重大案件（包括：1. 涉副中心建设和京津黄协同发展的重大项目、重点工程引发的案件；2. 涉北京“两区”建设案件；3. 部分新类型金融案件；4. 对副中心建设有重大影响、示范意义的其他案件）以及以特定主体为当事人的民事案件，由民事审判三庭审理，知识产权涉外案件由民事审判五庭（知识产权审判庭）审理。具体联系方式如下：

#### **立案庭（诉讼服务中心）、民事审判一庭、民事审判二庭、民事审判三庭**

地址：北京市通州区梨园东里 - 北区西南侧。

邮编：101100；立案庭联系电话：010-81553705，民事审判一庭联系电话：010-81553550，民事审判二庭联系电话：010-01553329，民事审判三庭联系电话：010-81553922

交通路线：乘坐 806、647、668 路公交车到梨园东里站下车步行至西边红路灯后向南步行约 150 米即到。

### **宋庄人民法庭**

地址：北京市通州区宋庄镇 102 国道南宋庄镇政府东院。

联系电话：010-81553170

交通路线：从西大街换乘 809 后夏公庄站下车。

### **马驹桥人民法庭**

地址：北京市通州区马驹桥镇工业路 4 号。

联系电话：010-81553970

交通路线：乘坐通 45 路公交车。

### **张家湾人民法庭**

地址：北京市通州区张家湾镇光华路。

联系电话：010-81553409；010-81553775

交通路线：乘坐 805 路公交车到张家湾开发区站下车，南行 1500 米。

### **漷县人民法庭**

地址：北京市通州区漷县镇漷兴一街。

联系电话：010-80834712；010-81553877

交通路线：乘坐 805 到绿茵小区向东步行 500 米后右转进入漷兴一街；乘坐 T103、通勤 000、通 9 路公交车到漷县镇政府向南步行 500 米后右转进入漷兴一街；乘坐 938、通 26 路公交车到凤岗基地下车向西步行 400 米。

### **台湖人民法庭**

地址：北京市通州区台湖镇兴光二街北。

联系电话：010-81553270

交通路线：乘坐通 11 路公交车到台湖人民法庭站下车。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，通州区人民法院还设有官方网站（<https://tzqfy.bjcourt.gov.cn>）、微信公众号（名称：北京市通州区人民法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **（14）顺义区人民法院**

顺义区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外民事案件由院机关、诉调对接中心、后沙峪法庭、天竺法庭、牛栏山法庭、李遂法庭、杨镇法庭负责立案，辖区内涉外民事案件（建设工程、借贷纠纷等）由民事审判一庭负责审理，辖区涉外商事案件由民事审判二庭审理，辖区涉外民事案件（买卖合同纠纷等）由民事审判三庭负责审理。根据区域不同，经区法院划拨，涉外民商事案件还能由各派出法庭审理。具体联系方式如下：

### **院机关**

地址：顺义区府前东街 1 号。

联系电话：010-69434111

交通路线：地铁 15 号线顺义站 B 出口往东 1000 米左右。

### **后沙峪人民法庭**

地址：顺义区后沙峪镇双裕大街 28 号。

联系电话：010-80494959

交通路线：顺 26 路、火神营西下车，915 路慢车火神营下车，地铁 15 号线后沙峪站下车。

### **天竺人民法庭**

地址：顺义区天竺镇小王辛庄南路天竺中学北侧。

联系电话：010-69459548

交通路线：顺 3、22、42 路、955、980 路在天竺卫生院下车，地铁乘坐 15 号线在国展站换乘 850 路在天竺卫生院下车。



### **牛栏山人民法庭**

地址：顺义区牛栏山镇医院南路 8 号。

联系电话：010-69434407

交通路线：顺 14、34、21、27 路、856 路牛山小区，916 路牛山市场下车。

### **李遂人民法庭**

地址：顺义区李遂镇市场北路 19 号。

联系电话：010-89481852

交通路线：顺 28 路至柳各庄南口站下车，前行 30 米至北京农商银行路口再向东步行 900 米。

### **杨镇人民法庭**

地址：顺义区杨镇府前街 1 号。

联系电话：010-69434462

交通路线：顺 19、20、39、33、23 路、918 路杨镇车站下车向北 200 米见政府向东 100 米。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，顺义区人民法院还设有官方网站（<https://bjsyfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：顺义法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **（15）昌平区人民法院**

昌平区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外、涉港澳台民事案件由院机关本部立案点和各派出法庭（小汤山法庭、回龙观法庭、沙河法庭、南口法庭、天通苑法庭及北七家法庭）负责立案，由民事审判一庭负责审理。具体联系方式如下：

### **院机关民事审判一庭**

地址：北京市昌平区西环路 62 号。

邮编：102200；联系电话：010-80122137

交通路线：地铁昌平线昌平站（C 口）步行 1.4 公里。公交站：西环南路站（345 路快车、345 路快车直达、357 路）。

### **立案庭（诉调对接中心）**

地址：北京市昌平区星火街 9 号。

联系电话：010-80122828

交通路线：公交站：创新中路站（昌 52 路）；白浮泉路站（889 路、889 路区间、快速直达专线 12 路、快速直达专线 138 路）；超前路站（590 路）。

### **小汤山法庭**

地址：北京市昌平区顺沙路 87 号（小汤山人民政府路东）。

联系电话：010-80122768

交通路线：公交站：小汤山镇政府公交站（643 路、905 路、945 路、昌 15 路、昌 15 路支线、昌 51 路）。



### **北七家法庭**

地址：北京昌平区北七家镇瑶光路西鸿翔宏商务大厦 B 座。

联系电话：010-80122567

交通路线：公交站：瑶光路南口站（463 路、专 35 路）；北七家工业园区站（533 路、871 路、C120 路、昌 63 路）。

### **回龙观法庭**

地址：现暂同北七家法庭办公地址（北京昌平区北七家镇瑶光路西鸿翔宏商务大厦 B 座）。

联系电话：010-80122616

交通路线：公交站：瑶光路南口站（463 路、专 35 路）；北七家工业园区站（533 路、871 路、C120 路、昌 63 路）。

### **沙河法庭**

地址：北京市昌平区沙河镇高教园北三街西恒大城 6 号院南。

联系电话：010-80122667

交通路线：公交站：北街家园八区北站（C104 路、高教园临时微循环内环、外环）；高教园北四街西站（C116 路、巡游公交 121 线早、晚、专 74 路）；高教园北三街站（C104 路、快速直达专线 127 路、快速直达专线 134 路、专 74 路）。

### **南口法庭**

地址：北京市昌平区南口镇龙虎台村村西。

联系电话：010-80122718

交通路线：公交站：红泥沟西站（昌 11 路、昌 11 路北庄、昌 33 路）；红泥沟站（357 路、357 路王峪沟区间、357 路西峰山区间、376 路）。

### **天通苑法庭**

地址：北京市昌平区东小口镇天通苑东一区 75 号楼。

联系电话：010-80122517

交通路线：地铁 5 号线天通苑南站（距此 1.4 公里）。公交站：天通苑二区东门站（专 137 路）；天通苑四区西门站（530 路、620 路、快速直达专线 183 路、夜 26 路、专 48 路）。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，昌平区人民法院还设有官方网站（<https://cpqfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：昌法微播报）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **(16) 大兴区人民法院**

大兴区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外、涉港澳台民事案件由立案庭负责立案，由民事审判第一庭和各个派出法庭（黄村人民法庭、红星人民法庭、经济技术开发区人民法庭、庞各庄人民法庭、榆垓人民法庭、安定人民法庭、采育人民法庭）负责审理。具体联系方式如下：

### **院机关、黄村人民法庭**

地址：北京市大兴区黄村镇金星西路 8 号。

邮编：102627；联系电话：010-57362877；黄村人民法庭：010-57362513

交通路线：乘坐 410、610、829、841、842、937、940、954、968 路公交车到洪村站；乘坐兴 36 路到高米店南站；乘坐兴 11、24 路到金星西路；或乘坐地铁大兴线到高米店南站。

### **红星人民法庭**

地址：北京市大兴区瀛海镇 104 国道东侧（瀛海镇政府往北 300 米路东）。

联系电话：010-57362264

交通路线：乘坐 453、341、926 路公交车到瀛海路口站下。

### **经济技术开发区人民法庭**

地址：北京市大兴区亦庄镇贵园中路 5 号院。

联系电话：010-57362781

交通路线：乘坐兴 15、兴 16 路公交车到富源里站；或乘坐地铁亦庄线亦庄桥站下。

### **庞各庄人民法庭**

地址：北京市大兴区庞各庄镇庞新路 1 号。

联系电话：010-57362527

交通路线：乘坐 937、842 路公交车到瓜乡桥站下。

### **榆垓人民法庭**

地址：北京市大兴区榆垓镇政府北侧。

联系电话：010-57362218

交通路线：乘坐 943、842、937 路公交车到榆垓镇政府站。

### **安定人民法庭**

地址：北京市大兴区安定镇定康路 6 号（安定镇政府北侧）。

联系电话：010-57362260

交通路线：乘坐 841、35、18 路公交车到安定镇政府站下。

### **采育人民法庭**

地址：北京市大兴区采育镇采育大街 25 号。

采育人民法庭：010-57362219

交通路线：乘坐 940 路公交车到采育镇站下；或乘坐 926 路公交车到采育中街站下。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，大兴区人民法院还设有官方网站（<https://bjdxfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：北京大兴法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

### **（17）怀柔区人民法院**

怀柔区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外民商事案件由院机关立案

庭和汤河口法庭立案庭负责立案，辖区内涉外民事案件由民事审判一庭负责审理，辖区涉外商事案件由民事审判二庭审理。具体联系方式如下：

**院机关立案庭**

地址：北京市怀柔区泉河五街 13 号院 1 号楼。

联系电话：010-89689374

**汤河口法庭**

地址：北京市怀柔区汤河口大街 46 号与酒厂东路交叉口西南 150 米。

联系电话：010-89689456

**法院机关**

地址：北京市怀柔区青春路 59 号。

邮编：101400；联系电话：010-89689191

交通路线：从东直门外乘坐 916 路公交车到怀柔汽车站下车，换乘 862 路外环公交车到红螺路南口下车，向北 500 米路西或从东直门外乘坐 867 路公交车到怀柔法院下车。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，怀柔区人民法院还设有官方网站（<https://hrqfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：北京怀柔法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

**(18) 平谷区人民法院**

平谷区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外民商事案件由院本部立案点负责立案，辖区内涉外民事案件由民事审判一庭负责审理，辖区涉外商事案件由民事审判二庭审理。具体联系方式如下：

地址：平谷区府前西街 21 号，平谷法院北楼一层大厅。

邮编：101200；联系电话：010-89982985、010-69962648

交通路线：从东直门乘坐 852 路公交车到迎宾环岛站下车，步行 720 米。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，平谷区人民法院还设有官方网站（<https://pgqfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：平法 e 联）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

**(19) 密云区人民法院**

密云区人民法院没有设立专门的民事涉外审判庭，全区范围内涉外、涉港澳台民事案件由院机关、各派出法庭（巨各庄法庭、西田各庄法庭、溪翁庄法庭、太师屯法庭）负责立案，由民事审判一庭负责审理。具体联系方式如下：

**院机关立案庭、民事审判一庭**

地址：北京市密云区西大桥路 5 号。

联系电话：010-69092822

交通路线：乘坐 980 西大桥站下车，向西步行一百米即可；乘坐密 6 路、密 7 路法院站下车即可。

### **巨各庄法庭**

地址：北京市密云区巨各庄镇水峪村（巨各庄镇政府西侧、巨各庄派出所北侧）。

联系电话：010-69092265

交通路线：乘坐密 5 路公共汽车到巨各庄中学站下车，向北步行约四百米即到。

### **西田各庄法庭**

地址：北京市密云区西田各庄镇政府东南。

联系电话：010-69092291

交通路线：乘坐密 7 路到液化气站下车即可。

### **溪翁庄法庭**

地址：北京市密云区溪翁庄镇政府东侧 100 米。

联系电话：010-69092230

交通路线：乘坐 987、密 8 路公共汽车到溪翁庄镇政府站下车，向东步行约一百米即到。

### **太师屯法庭**

地址：北京市密云区太师屯镇中心街 38 号。

联系电话：010-69092202

交通路线：乘坐公共汽车密 25、38、51 路到太师屯下车即可。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问和建议。此外，密云区人民法院还设有官方网站（<https://bjmyfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：密云法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## **（20）延庆区人民法院**

延庆区人民法院主要办公区为院机关，下设八达岭法庭、沈家营法庭、永宁法庭共三个派出法庭。院机关立案庭、永宁法庭立案庭负责立案，由民事审判一庭和民事审判二庭负责审理。具体联系方式如下：

### **院机关**

地址：北京市延庆区湖南西路 20 号。

交通路线：乘坐 Y09 内、Y09 外、延 3 路公交车到延庆法院站下车即到。

邮政编码：102100；联系电话：010-61115124

### **永宁法庭**

地址：北京市延庆区延琉路永宁西关附近。

联系电话：010-61115425

交通路线：乘坐 873、925、延庆公交 Y11、Y12、Y13、Y13 支、Y14、Y16 路公交车到永宁西关站下车即到。

当事人可以通过以上联系方式与办事机构取得联系，了解案件进展、查询相关信息或提出疑问

和建议。此外，延庆区人民法院还设有官方网站（<https://bjyqfy.bjcourt.gov.cn/index.shtml>）、微信公众号（名称：延庆法院）、诉讼服务热线 12368 等渠道，方便当事人获取涉外审判服务的最新动态和相关信息。

## （二）北京市涉外商事仲裁服务

### 1 概述

涉外商事仲裁，或国际商事仲裁（International Commercial Arbitration），是指涉外商事活动中居于平等地位的当事人依据争议发生前后达成的仲裁协议，自愿将他们（它们）之间的争议交由常设仲裁机构或临时仲裁庭进行审理和裁决的一种争议解决方式。作为多元化纠纷解决机制之一，涉外商事仲裁在解决争议的方式上提供了灵活性和多样化的选项，旨在适应不同当事人的具体需求。在涉外纠纷中，国际商事仲裁裁决因其跨境执行的便利性，相较于诉讼而言，更加受到商事主体的欢迎。

相较于诉讼及其他替代性争议解决方式，商事仲裁有着自身的特点和优势。由于仲裁的管辖以当事人的意思自治为前提，约定仲裁解决纠纷时也应注意争议的可仲裁性，以及仲裁机构、仲裁地、法律适用、仲裁语言等仲裁协议可约定的事项。

北京市主要有三家商事仲裁机构，包括中国国际经济贸易仲裁委员会、中国海事仲裁委员会以及北京仲裁委员会（北京国际仲裁中心），三家机构均可受理涉外仲裁案件。

目前，北京正全面推进国际商事仲裁中心建设。《北京国际商事仲裁中心建设条例》被列为北京市人大常委会 2024 年立法工作计划审议项目，在京仲裁机构已经与 80 余家国际仲裁机构及组织签署合作协议。北京正不断拓展仲裁国际交往合作、持续发力建设涉外法治人才队伍，并通过推动北京国际商事仲裁中心建设赋能首都新发展。

### 2 涉外商事仲裁的特点

与其他争议解决方式相比，商事仲裁具有以下特点：

#### （1）尊重当事人意思自治

在仲裁中，当事人可享有最大程度的意思自治，包括选定仲裁机构、仲裁地、仲裁员、开庭地点、仲裁语言、仲裁规则以及仲裁所适用的法律等。当事人还可以就仲裁程序的具体进行方式达成合意，例如开庭审理、证据的提交和意见的陈述等具体事项，从而设计出符合自己特殊需要的仲裁程序。

## (2) 一裁终局

生效的法院诉讼判决和商事仲裁裁决均对当事人具有约束力，可通过法院申请强制执行。然而，不同于法院判决，我国《中华人民共和国仲裁法》（以下简称“《仲裁法》”）下的仲裁裁决一经作出即为终局、生效，对当事人具有约束力。仲裁裁决虽然可能在裁决作出地被法院裁定撤销，或在执行地被法院裁定不予承认和执行，但是，法院裁定撤销或不予承认和执行的理由是非常有限的，在涉外仲裁中通常仅限于程序问题。在裁决被撤销或不予执行前，仲裁裁决始终具有法律效力。

## (3) 保密性

仲裁案件不公开审理，仲裁程序、证据文书、案件审理、裁决书等全流程内容均不对外公开，可有效地保护当事人的商业秘密和商业信誉。

## (4) 裁决跨境承认和执行的便利性

1958年的《承认及执行外国仲裁裁决公约》（又称“《纽约公约》”）现有缔约国家和地区172个。根据该公约，仲裁裁决可以在缔约国之间得到承认和执行。此外，仲裁裁决还可根据其他一些有关仲裁的国际公约和条约得到执行。《纽约公约》于1987年对中国生效，目前，我国仲裁机构作出的涉外仲裁裁决已在全世界多个国家和地区得到承认及执行。

# 3 涉外商事仲裁的受案范围

商事仲裁的受案范围也被称为“可仲裁性”问题，我国《仲裁法》第二条、第三条对仲裁的受案范围、不可仲裁的事项进行了规定。

《仲裁法》第二条规定，平等主体的公民、法人和其他组织之间发生的合同纠纷和其他财产权益纠纷，可以仲裁。该条明确了仲裁受案范围的三项原则：一是适格主体：发生纠纷的双方当事人必须是民事主体，包括国内外法人、自然人和其他合法的具有独立主体资格的组织；二是争议事项：仲裁的争议事项应当是当事人有权处分的；三是纠纷内容：必须是合同纠纷和其他财产权益纠纷。

《仲裁法》第三条规定，下列纠纷不能仲裁：婚姻、收养、监护、抚养、继承纠纷；依法应当由行政机关处理的行政争议。该条明确了不能仲裁的事项。涉及人身关系、行政行为的纠纷不可仲裁，必须通过诉讼方式解决。但对于形式上涉及人身关系、行政机关，但实质内容属于经济财产纠纷，如夫妻双方与婚姻关系无关的借款合同纠纷、公司与政府之间作为平等主体签订的采购合同纠纷，仍属于《仲裁法》第二条规定的“合同纠纷和其他财产权益纠纷”的内容，是可以仲裁的事项。同时，商事仲裁也不解决有关职工与用人单位之间产生的劳动纠纷，应当注意与劳动仲裁的区分。

在此基础之上，涉外商事仲裁系具有涉外因素的仲裁纠纷，涉外因素的判断一般参考我国《民事诉讼法》及《涉外民事关系法律适用法》的相关规定。对于涉外商事仲裁，当事人还可通过约定境外仲裁机构、外国准据法进行仲裁。



## 4 进行涉外商事仲裁需注意的主要问题

### （1）涉外商事仲裁协议的起草

仲裁协议包括合同中订立的仲裁条款，及以其他书面方式在纠纷发生前或者纠纷发生后达成的请求仲裁的协议。依据我国《仲裁法》的规定，有效的商事仲裁协议需要包含以下要件：请求仲裁的意思表示、仲裁事项、选定的仲裁委员会。就约定境外仲裁机构、外国准据法进行仲裁的协议而言，还应注意相关合同是否具有涉外因素，对不具有涉外因素的争议作出的相关约定可能面临协议无效的风险。

在涉外商事仲裁协议中，除对仲裁机构、仲裁庭组成、开庭地点等一般性仲裁事项作出约定之外，当事人还可以对仲裁地、法律适用、仲裁语言等涉外仲裁事项作出特别约定。

### （2）涉外商事仲裁的保全

仲裁程序中或仲裁程序开始前，为保障将来作出的裁决能够得到顺利执行，当事人可以申请仲裁中或仲裁前的保全。依据我国《民事诉讼法》及《仲裁法》的规定，人民法院可以执行的仲裁保全主要包括财产保全、证据保全及行为保全。实践中，仲裁前的保全应当由当事人直接向人民法院申请；仲裁中的保全应当由当事人提交至仲裁委员会，由仲裁委员会向人民法院转交。

在国际仲裁中，仲裁保全一般被称为“临时措施（Interim Measure）”。目前，我国法院就是否能够执行境外仲裁机构、仲裁庭作出的临时措施决定问题尚存争议。但是，依据最高人民法院于2019年发布的《关于内地与香港特别行政区法院就仲裁程序相互协助保全的安排》、于2022年发布的《关于内地与澳门特别行政区就仲裁程序相互协助保全的安排》，中国内地与香港、澳门地区之间的仲裁保全和临时措施决定已经具有相互执行的法律依据。

### （3）涉外商事仲裁裁决的执行

仲裁当事人应按照仲裁裁决书中规定的期限自动履行裁决，如当事人一方不履行仲裁裁决，另一方当事人可依据法律规定向有管辖权的法院申请强制执行。

首先，在中国内地法院的裁决执行：如果被执行人的住所地或财产所在地在中国内地，无论国内仲裁裁决还是涉外仲裁裁决，均可向其住所地或财产所在地的中级人民法院申请强制执行。

其次，涉香港、澳门特别行政区及台湾地区的裁决执行：依据最高人民法院《关于内地与香港特别行政区相互执行仲裁裁决的安排》《关于内地与澳门特别行政区相互认可和执行仲裁裁决的安排》以及《台湾地区与大陆地区人民关系条例》等相关规定，中国内地与港澳台地区作出的涉外仲裁裁决可分别依据上述规定在内地人民法院或港澳台地区相应法院得到执行。

最后，依据《纽约公约》在缔约国法院的裁决执行：如果被申请人的住所地或财产所在地位于《纽约公约》缔约国，在中国作出的涉外仲裁裁决可依据该公约向缔约国有管辖权的法院申请承认与执行。反之，《纽约公约》其他缔约国所作出的仲裁裁决亦可在我国人民法院得到承认与执行。

### （4）涉外商事仲裁的司法审查

仲裁司法审查，既是一国司法机关对当事人合法行使仲裁权利的支持和保障，也是对当事人和仲裁庭等仲裁参与方违法、滥用仲裁权利或不当仲裁行为的监督与救济。

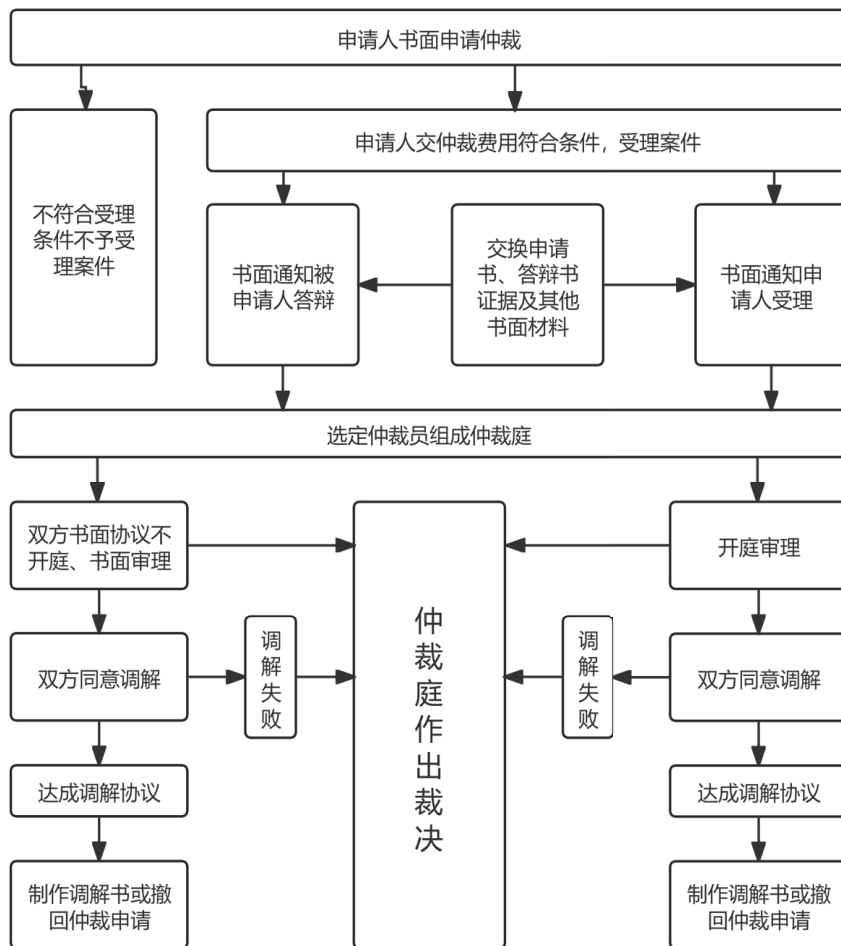


我国仲裁司法审查程序主要包括以下几种案件类型：①申请确认仲裁协议效力案件；②申请撤销我国内地仲裁机构的仲裁裁决案件；③申请不予执行我国内地仲裁机构的仲裁裁决案件；④申请认可和执行香港、澳门特别行政区及台湾地区仲裁裁决案件；⑤申请承认和执行外国仲裁裁决案件。其中，申请确认仲裁协议效力的案件，属于裁决作出之前的仲裁司法审查，主要针对仲裁协议是否有效、是否存在仲裁的基础依据予以审查；其他四类案件均是裁决作出之后的仲裁司法审查，主要针对的是仲裁裁决的作出是否存在程序性瑕疵或其他违法事由，从而导致裁决的无效或无法执行。总体而言，我国司法审查对于仲裁的支持立场愈发鲜明，对裁决效力的否定性评价一般局限于程序性事由。实践中，人民法院通常不会仅因事实认定错误、法律适用错误等实体问题为由否定仲裁裁决效力。

目前，北京市第四中级人民法院集中管辖北京法院管辖的涉外仲裁司法审查案件、涉外仲裁的保全和执行案件，以及申请确认仲裁协议效力案件、申请撤销仲裁裁决案件；此外，北京金融法院集中管辖北京法院管辖的金融民商事纠纷的仲裁司法审查案件。

## 5 仲裁实操指引

### (1) 仲裁案件基本流程



## (2) 申请仲裁的主要文件

### ① 仲裁申请书及所附证据材料

仲裁申请书应写明：申请人和被申请人的名称和住所，包括：邮政编码、电话、传真、电子邮件或其他电子通讯方式；申请人申请仲裁所依据的仲裁协议；基本案情与争议要点；申请人的仲裁请求；仲裁请求所依据的事实和证据。

仲裁申请书应由申请人及 / 或申请人授权的代理人签名及 / 或盖章。申请仲裁之后，申请人仍可以对其仲裁请求提出修改；但是，如果仲裁庭认为其修改提出过迟而影响仲裁程序正常进行，可以拒绝受理其更改请求。证据材料应清晰、完整、标注页码；证据需附证据目录，应列明证据名称、证明内容、证据对应的页码。

### ② 申请人的主体资格证明文件

如申请人为公司，应提交公司营业执照复印件、法定代表人身份证明原件；如申请人为自然人，应提交身份证 / 护照等身份证明文件的复印件。

### ③ 授权委托书

授权委托书由法人单位或其它组织盖章、授权代表签名或自然人本人签名。应注意区别与诉讼案件授权文件的不同表述，如，应写明“委托某人为本案仲裁代理人”；特别授权应列明授权范围，如，“代为签署仲裁申请书、代为承认、放弃、变更仲裁请求、代为选定仲裁员、进行和解”等。

### ④ 财产保全 / 证据保全文件

若有保全需要，应提交财产保全申请书 / 证据保全申请书。其中，对于应书面提出向何法院转送的情形，应一并提供该法院的地址、邮政编码和电话等联系信息。

## 6 位于北京的涉外商事仲裁机构

### (1) 中国国际经济贸易仲裁委员会

#### ① 示范仲裁条款：

凡因本合同引起的或与本合同有关的任何争议，均应提交中国国际经济贸易仲裁委员会，按照申请仲裁时有效的仲裁规则进行仲裁。仲裁裁决是终局的，对双方均有约束力。

#### ② 联系方式：

地址：北京市西城区桦皮厂胡同 2 号国际商会大厦 6 层

邮编：100035

传真：010-82217766/64643500

邮箱：info@cietac.org

电话：010-82217788/64646688

网址：www.cietac.org

## (2) 中国海事仲裁委员会

### ①示范仲裁条款：

凡因本合同引起的或与本合同有关的任何争议，均应提交中国海事仲裁委员会，按照申请仲裁时该会现行有效的仲裁规则进行仲裁。仲裁裁决是终局的，对双方均有约束力。

### ②联系方式：

地址：北京市西城区桦皮厂胡同 2 号国际商会大厦 16 层

邮编：100035

传真：010-82217966

邮箱：cmac@cmac.org.cn

电话：010-82217900/82217767

网址：www.cmac.org.cn

## (3) 北京仲裁委员会 / 北京国际仲裁中心

### ①示范仲裁条款：

因本合同引起的或与本合同有关的任何争议，均提请北京仲裁委员会 / 北京国际仲裁中心按照其仲裁规则进行仲裁。仲裁裁决是终局的，对双方均有约束力。

### ②联系方式：

地址：北京朝阳区建国路 118 号招商局大厦 16 层

邮编：100022

传真：010-65668078

邮箱：bjac@bjac.org.cn

前台电话：010-85659500/85659501

立案电话：010-85659505/85659511

智能语音电话：010-65669856

网址：www.bjac.org.cn

## (三) 涉外调解服务

### 1 调解机构和调解组织受理的涉外争议类型

#### (1) 调解机构和调解组织

本市社会经济发展迅速，相应地，各类涉外民商事争议解决需求总量巨大。调解作为诉源治理的重要机制，近年来在本市发展态势良好，涌现了一批不同法律主体性质的调解组织。其中，北京多元调解发展促进会系全国首家省一级的、为行业性、专业性调解组织提供服务保障的自律性组织，

是北京市委社会工委确定的枢纽型社会组织。由北京地区调解工作组织机构、退休高级法官及有一定法律背景的专家学者、调解工作者自愿联合发起，是经北京市民政局核准登记的非盈利性社会团体。按照北京市委、市政府相关文件的规定：“推动北京多元调解发展促进会枢纽型社会组织作用，制定实施调解组织和调解员资格准入、教育培训、业绩考核、评价监督等制度规范，协助法院对特邀调解组织和调解员实行名册管理，指导成员单位积极承接法院委托的各类调解案件，与人民调解委员会协同开展行业、专业领域的矛盾化解工作”。

截至目前，北京多元调解发展促进会（以下简称“促进会”）共调解案件标的超过 800 亿元，调解案件超过 50 万件，开展专业调解员培训活动 6506 人次（均免费）。在国际化方面，促进会与多家国际知名调解机构进行了交流培训，学习国际先进调解经验，提升自身涉外调解服务能力。促进会积极推动行业性、专业性矛盾纠纷在相应的调解组织内化解，并通过“诉调对接”助推司法改革，目前已与中国海事仲裁委员会在内的多家知名仲裁机构建立合作，助力纠纷分流，为当事人解决纠纷提供便捷、高效、合法的路径。

此外，北京仲裁委员会调解中心、一带一路国际商事调解中心、中国国际贸易促进委员会（中国国际商会）调解中心等多家具有丰富资源和大量争议解决经验的独立调解中心也陆续设立，并发挥重要作用。各类调解机构及组织可以很好地满足本市涉外调解的服务需求。

此外，调解组织与机构对于企业的涉外争议解决起到了重要作用，例如，中信建设、中建国际、联想集团、先正达、浪潮信息等央企和在京国内外知名企业，都与调解机构建立了紧密的联系，建立了内部调解组织和预防机制，提升了企业自主解决争议的能力。包括以中天德成国际咨询（北京）有限公司等为代表的行业性、专业性专家证人和专业意见辅助机构在调解中的积极参与，也体现出了调解机制解决涉外纠纷的优势。

## （2）调解机构和调解组织受理的涉外争议类型

各调解机构和组织均有专业知识丰富的调解员，可以处理各类调解争议，具体涉及互联网、知识产权、电子商务、建筑工程、软件和信息服务、金融证券、投融资、文化艺术娱乐、保险、航空、物流等等各方面的争议。

## 2 当事人参加涉外调解的方式及注意事项

### （1）涉外调解的参加方式

当事人在北京多元调解发展促进会参加涉外调解的方式可以概括为以下流程：

- ①当事人在线申请调解；
- ②案件管理员审核登记；
- ③本会指定调解员；当事人自行选定调解员的，应于案件分配前在调解员名单中选定；

④调解员调前准备，联系双方当事人，采集当事人信息，或指导被申请人登录申请调解网址，在线送达调解申请书和证据，录入被申请人的身份及代理人信息，上传相关材料，设置网络调解室

并由系统发送上线通知；对于需要进行现场调解的情形，向当事人通知调解时间、调解地点；

⑤调解员组织调解开庭；

⑥形成调解协议；

⑦指导当事人主动履行给付义务或指导当事人申请确认强制执行效力。

## **(2) 涉外调解的注意事项**

当事人参加涉外调解时，应注意以下几个重要事项：

①选择合适的调解机构：当事人可以根据自己的争议类型选择一个与该争议解决最为契合的调解机构。

②了解调解流程和规则：当事人应当熟悉调解流程，包括调解的开始、进行、协议形成以及调解结束等各个阶段。

③考虑文化和语言因素：涉外调解中可能涉及不同文化和语言的沟通，当事人应考虑这些因素，并在必要时寻求专业翻译或具有相应文化背景的调解员的帮助。

④遵守调解保密原则：若在调解过程中涉及的信息需要保密，当事人应确保在调解过程中遵守相关保密原则。

⑤准备相关证据和材料：当事人应准备好所有与争议相关的证据和材料，以便在调解过程中有效地支持自己的立场。

⑥遵守法律法规：当事人所达成的调解协议不得违反相关法律法规的强制性规定。

## **3 首都主要涉外调解机构和调解组织名录及联系方式**

本市主要涉外调解机构包括：

(1) 中国国际贸易促进委员会 / 中国国际商会调解中心

电话：010-82217081

(2) 北京多元调解发展促进会国际商事调解中心

电话：010-65680031

(3) 北京仲裁委员会 / 北京仲裁委员会调解中心

电话：010-65669856

(4) 一带一路国际商事调解中心



# Beijing Foreign-related Legal Services Manual

The background of the cover features a light blue gradient with a pattern of small, semi-transparent circles. In the lower half, there is a stylized illustration of Beijing's skyline, including the Temple of Heaven, the CCTV New Building, and the Bird's Nest stadium. A white airplane is shown flying from the left towards the skyline, leaving a long, bright white trail. The bottom of the cover shows a white globe with a network of lines connecting various points, representing a global legal network.

Beijing Lawyers Association





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## Foreword

Since the 18th National Congress of the Communist Party of China ("CPC"), China has actively promoted the opening-up and achieved a series of remarkable accomplishments. The new system for open economy has been gradually improved, the business environment has been better optimized, and the opening-up has been further expanded to a higher quality and deeper level. China has achieved broader cooperation and deeper integration with the world. The *Opinions on Developing Foreign-related Legal Services*, jointly issued by the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Commerce, and the Legislative Affairs Office of The State Council of the PRC, pointed out that developing foreign-related legal services is an important measure to build a comprehensive legal service system, advance the overall law-based governance, and facilitate the all-round opening up. In July 2024, the Third Plenary Session of the 20th Central Committee of the CPC adopted the resolution on further deepening reform comprehensively to advance Chinese modernization. This resolution clearly emphasizes that the rule of law provides an important guarantee for Chinese modernization while proposing to strengthen the rule of law in foreign-related affairs, cultivate world-class arbitration institutions and law firms, as well as actively participate in the formulation of international rules.

With the gradual deepening of the reform of the global governance system, there is a growing demand for foreign-related legal services. Beijing Municipal Bureau of Justice adheres to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, deeply practices Xi Jinping Thought on the Rule of Law, comprehensively implements the spirit of the Third Plenary Session of the 20th CPC Central Committee, implements the decisions and plans of the country. Beijing Municipal Bureau of Justice bases itself on the "Four Centers" strategic position of the capital city, takes positive actions with the standard of the capital of good governance, gives full play to its geographical advantages, strengthens linkage and exchanges with overseas legal service institutions, and deepens practical cooperation with countries and regions along the Belt and Road. Meanwhile, Beijing Municipal Bureau of Justice provides high-quality foreign-related legal services for the country's major development strategies and projects in a variety of fields, including by lawyers, notaries and arbitrators. To better meet the growing practical demands of foreign enterprises and parties in legal affairs during the process of the opening-up, under the guidance of Beijing Municipal Bureau of Justice, Beijing



Lawyers Association has organized a special working team to collect, organize and summarize relevant information on the foreign-related legal services in various fields, and has completed the Chinese-English bilingual version of *Beijing Foreign-related Legal Services Manual*. It provides foreign-related legal service resources for foreign investors and individuals in Beijing in the areas such as government affairs, lawyers' practice, notarization, intellectual property, judicial trials, arbitration and mediation, and etc.

The Manual is divided into six chapters, including foreign-related lawyer services, foreign investment services, international trade services, foreign-related intellectual property services, foreign-related notary services, as well foreign-related trial, arbitration and mediation services. The first chapter introduces an overview of the development of foreign-related legal services provided by lawyers in Beijing and the different types of foreign-related legal services, as well as a basic introduction to the Beijing Lawyers' Association and the functions of foreign-related services. The second chapter introduces the contents of foreign investment, including the approval and filing of the projects with foreign investment, the establishment of foreign investment enterprises, as well foreign exchange registration and management. The third chapter introduces the aspects of international trade, including import and export trade compliance and access, cross-border E-commerce supervision and services, customs supervision and services, as well tax supervision and services. The fourth chapter introduces foreign-related intellectual property services, including foreign-related patents, trademarks, copyrights, trade secret protection, customs protection of intellectual property rights, and a guidance on IP infringement in exhibitions. The fifth chapter introduces an overview of the development and particular services of foreign-related notarial services, and a detailed list of foreign-related notarial institutions in Beijing. The sixth chapter introduces foreign-related litigation, arbitration and mediation services, in which the foreign-related litigation part introduces the jurisdiction of foreign-related disputes of the courts at all levels in Beijing, the ways for the parties to participate in foreign-related litigation, and the main offices and contact information of the foreign-related dispute trial institutions of the Beijing People's Court. The foreign-related commercial arbitration part introduces the characteristics, the scope of cases accepted and the main problems to be noted of the foreign-related commercial arbitration, as well the foreign-related commercial arbitration institutions located in Beijing. The foreign-related mediation part describes the types of foreign-related disputes accepted by the mediation institutions and organizations, the ways and precautions for the parties to participate in foreign-related mediation, as well the list and contact information of major foreign-related mediation institutions and organizations in

The Manual is detailed and completed, aiming to provide practical guidance and reference for foreign-invested enterprises and foreign-related individuals to invest, operate and trade in Beijing. It is expected that the promotion and application of the Manual could provide convenience for both Chinese and foreign enterprises and individuals to expand their business, work and live in Beijing, and provide comprehensive, accurate, high-quality and detailed legal service guidance for international transactions in Beijing, thus optimize the city's foreign investment environment and provide legal guarantees for building a market-oriented, law-based and world-class business environment. It also expects to provide a clear theoretical support for the high-standard opening-up, and further contribute to Beijing's legal strength for advancing the opening-up to a higher level, fostering a new development dynamic, and promoting the high-quality development.

# I. Services of Foreign-related Lawyers

## 1. Foreign-related Legal Services Provided by Lawyers in the Capital

### 1.1 Overview of Development

#### 1.1.1 Basic Information of Lawyer Industry in Beijing

As of August 2024, there are a total of 3,518 law firms in Beijing, accounting for 8.45% of the number of law firms in China (41,638). There are a total of 55,223 lawyers in Beijing. In terms of gender, there are 27,949 female lawyers, accounting for 50.61%, and 27,274 male lawyers, accounting for 49.39%. In terms of types of practice, there are 49,054 practicing lawyers, accounting for 88.82%; 3,350 corporate lawyers, accounting for 6.07%; and 2,822 public service lawyers, accounting for 5.11%. In terms of age structure, the average age of lawyers in the city is about 41 years old; among them, 38,903 are under (inclusive) the age of 45, accounting for 70.45%; and 28,392 are under (inclusive) the age of 40, accounting for 51.41%. In terms of educational background, 19,170 lawyers hold master degree or above, accounting for 34.71%. In terms of political background, 22,535 lawyers are CPC members, accounting for 40.81%. In terms of number of years of practice, 21,013 lawyers have practiced for 10 years or above, accounting for 38.05%; and 8,347 lawyers have practiced for 20 years or above, accounting for 15.12%. Thus, a well-structured high quality lawyer team in Beijing has been formed.

#### 1.1.2 Basic Profile of Foreign-related Legal Service Teams in Beijing

The internationalization layout of Beijing law firms has been expanding. As of August 2024, 40 law firms in Beijing have established 351 overseas offices in 97 countries and regions around the world, covering 29 countries along the Belt and Road. Among them, 104 overseas branch offices of 29 law firms have completed the record-filing formalities with Beijing Municipal Bureau of Justice.

The number of foreign-related lawyers in Beijing is among the highest in the country. Foreign-related lawyers of Beijing have an outstanding influence on the country. Currently, there are more than 4,000 foreign-related lawyers in Beijing. In the *List of A Thousand National Level Lawyers Specialized in Foreign-related Matters* issued by the Ministry of

Justice, there are 170 lawyers from Beijing, accounting for 17.21%; and 220 lawyers from non-Beijing branch offices of Beijing law firms, accounting for 22.33%. Among the top 10 law firms in the list, 7 are from Beijing. In the Belt and Road Cross-border Lawyers' Pool of the All China Lawyers Association, there are 21 Beijing lawyers, accounting for 25.00% of the 84 Chinese lawyers; and in the Belt and Road Leading Talents Pool of Foreign-related Lawyers, there are 45 Beijing lawyers, accounting for 7.11% of the total number. Among the Top 10 Lawyers of the Belt and Road Initiative awarded by the *Legal Daily* for three consecutive years from 2018 to 2020, 60% of which are from Beijing, ranking first among all the provinces in China. At present, according to an uncompleted statistic, a total of 417 Beijing lawyers have joined various international organizations, among which 100 lawyers hold positions therein (including former and current positions) and actively participate in the international governance. From 2020 to 2023, Beijing Lawyers Association has expanded the talent pool of foreign-related lawyers of Beijing Lawyers Association for three times, and now the number of lawyers in the pool has reached 1,326. Their practice scope covers 11 categories of professional fields, such as international economic cooperation, international trade, cross-border investment, finance and capital markets, intellectual property and information security, civil and commercial litigation and arbitration and digital economy, covering all types of law firms in Beijing. Beijing has a good talent team system, and has an adequate reserve of talents, providing a strong force for talent reserve and service support for the economic development of the capital.

## 1.2 Type of Services with Foreign-Related Elements

Beijing lawyers provide comprehensive and one-stop legal services to Chinese and foreign clients. The types of foreign-related legal services include but are not limited to the following:

### 1.2.1 Cross-border Investment and M&A Legal Services

Beijing lawyers have rich experience in handling cross-border projects involving complex transaction structures, and have assisted many domestic and foreign clients in cross-border investment and financing M&A matters. Their clients cover a large number of large-scale state-owned enterprises, private enterprises, listed companies, banks and financial institutions. They have provided services for projects in countries and regions over Asia, Europe, Africa, North America, South America and Oceania with project experience covering energy, minerals, pipelines, power plants, infrastructure,

manufacturing, high-tech, retailing, services and other industries.

In the process of assisting in cross-border M&A transactions, Beijing lawyers have provided domestic and foreign clients with legal services for the whole process of the transactions, including: assisting clients in going through various examination and approval procedures of the relevant departments; conducting legal due diligence on target companies or target assets in order to assess and control potential legal risks; analyzing and making suggestions on various investment and financing structures and arrangements; drafting, reviewing and revising legal documents at different stages of the transactions, or analyzing, reviewing and providing advice on legal documents drafted by the counterparties; participating in transaction negotiation, advising on negotiation strategies and legal and business issues involved in the negotiation; assisting in project closing and post-closing integration; assisting in selecting foreign lawyers and other intermediaries, and organizing, coordinating and arranging their work, so as to become a strong partner in "bringing in" foreign enterprises and "going global" for Chinese enterprises.

### **1.2.2 Foreign-related Financial Legal Services**

Beijing lawyers' practice covers all types of offshore and domestic financing, bond issuance, establishment of financial institutions, compliance and difficulty relief, disposal of non-performing assets, financial data compliance, payment and liquidation and derivatives trading, and their clients cover domestic and foreign banks, non-banking financial institutions, multinational companies, state-owned enterprises, private enterprises, foreign investment enterprises and so on.

Beijing lawyers also keep up with the rapid development of technology, respond to the new hot spots in the international financial field and the new customer demand, provide professional and leading legal services in the innovative areas of financial technology. Beijing lawyers participate in the R&D and implementation of influential Fintech products in the market, provide Fintech enterprises with comprehensive service solutions related to group structure, license portfolio, model innovation, product matrix, regulatory compliance, domestic and overseas financing channels and capital operation, assist leading Fintech enterprises to identify and control risks under the new regulatory pattern, and maintain continuous communication and dialogue with regulatory authorities, so as to ensure the steady development of Fintech business and assist Beijing in building itself as a "global Fintech center".

### **1.2.3 Legal Services for Foreign-related Compliance**

With the increasingly strict law enforcement by domestic and foreign regulators



in the field of business compliance, both domestic and foreign enterprises are facing compliance challenges from antitrust, trade and tariffs, labor and employment, environmental protection, tax, commercial bribery and other aspects. In the daily operation of domestic and foreign enterprises, Beijing lawyers assist clients to build up compliance management system and conduct regular supervision and inspection, and provide internal compliance audit, compliance training, surprise investigation training and other services. When clients face sudden crisis such as investigation, enforcement procedures by domestic or foreign governmental authorities, Beijing lawyers formulate overall crisis response strategy and propose appropriate relief measures. They represent clients and governmental authorities to participate in representation, hearing and enforcement procedures, so as to protect legitimate interests of clients to the greatest extent, and help clients effectively reduce or avoid legal risks in operations.

#### **1.2.4 Legal Services for Foreign-related Intellectual Property**

With the rapid development of economy and technology, the business environment is also constantly changing and transforming. Protecting inventions and innovations has become the key for many companies and entrepreneurs in emerging industries to gain a foothold in the market. More and more clients are expecting lawyers with the broad and deep expertise to address major patent, trademark, and intellectual property challenges of day-to-day law matters and litigation. In terms of foreign-related intellectual property rights, the Beijing lawyers service areas cover all kinds of litigation and non-litigation business, including patent, trademark/brand, know-how, copyright, and etc., as well as complex intellectual property litigation and transactions across multiple jurisdictions. The clients' industries include telecommunications and semiconductors, computer/internet/big data/artificial intelligence, electronic and electrical technologies, medicine and medical, biological and life sciences, chemicals, new materials, vehicles, advanced manufacturing, hotel and entertainment, marketing, education, and etc.

#### **1.2.5 Legal Services for Foreign-related Family Matters**

The legal services for foreign-related family matters cover the fields of marriage and inheritance, family trusts, taxation, asset internationalization, foreign exchange compliance, crisis response, dispute resolution, charity and other fields. Beijing lawyers are familiar with the way of family wealth security and inheritance as well as various legal instruments, paths and structures thereof, and provide special legal services for the actual controllers of family businesses and/or their family members with the overall legal planning and implementation of family wealth security and inheritance, planning and implementation of domestic and overseas family trusts/insurance trusts, family business



governance, domestic and overseas tax compliance and tax planning, marriage agreement/will planning, marriage/inheritance dispute resolution, family charity plans, and other special legal services. Beijing lawyers are committed to the research and practice of family businesses and high-net-worth families' wealth management and security inheritance. With keen insight into the individuation characteristics and in-depth needs of family businesses and high-net-worth families, they can customize family wealth management and inheritance plans so as to meet the clients' individual needs, and help clients to implement such plans safely and effectively.

#### **1.2.6 Legal Services for Foreign-related Commercial Litigation and Arbitration**

Beijing lawyers have participated in numerous significant litigation and arbitration cases and have acted for multinational companies, large state-owned enterprises, private enterprises and financial institutions in important litigation and arbitration cases before the people's courts, domestic and overseas arbitral institutions and administrative agencies in China, and have a keen understanding of their clients and their efforts to expand their business markets in China, Asia and the world. Beijing lawyers are particularly adept at cross-jurisdiction dispute resolution, and are able to provide constructive and practical legal analyses and commercial solutions. Beijing lawyers' practice in the area of foreign-related commercial litigation and arbitration covers a wide range of industries, including real estate, construction, energy, science and technology, pharmacy and finance (banking, securities and trust), and etc.

During the stage of pre-litigation dispute resolution, Beijing lawyers provide legal analysis opinions and suggestions for clients' decision-making purpose, and assist clients in investigating the relevant facts and collecting the relevant evidences. Beijing lawyers act as attorneys for clients in litigation and arbitration proceedings and attend court hearings. Before and during the litigation, Beijing lawyers assist clients in negotiating and reaching compromise with the counterparty.

In the process of administrative investigation, Beijing lawyers assist their clients in responding to regulatory investigations, and in defending themselves. Through professional and high-quality services, Beijing lawyers help clients solve problems quickly, recover losses and reduce business risks.

#### **1.2.7 Legal Services for Foreign-related Tax Matters**

Beijing lawyers provide tax services covering general tax advisory, tax structuring, tax dispute resolution support, tax due diligence, tax health check, business contract tax terms review, tax modelling review, tax training, and etc.

The tax practice covers a number of sectors, such as real estates, financial, mining,

energy, manufacturing, healthcare and pharmaceuticals, daily services, entertainment and etc. We also assist in the projects of industrial parks, utility facilities, investment funds, and etc.

## 2. Beijing Lawyers' Association

### 2.1 Overview of BLA

Beijing Lawyers Association ("BLA") is a social organization with legal person status lawfully established and composed of all lawyers and law firms in Beijing. It is also a professional self-disciplinary organization for the lawyers in Beijing, providing services and managing the legal profession in accordance with the law. BLA was founded in 1952, and rehabilitated in August 1979. The first Beijing Lawyers' Congress was held in April 1982.

Each term of BLA is 4 years. The body of BLA's supreme power is the Lawyers' Congress, which is held once a year to review the work reports of the Board of Directors and the Board of Supervisors, the annual budget implementation report, the annual work plan and the membership fee budget plan; the representatives of the Lawyers' Congress are elected or recommended from individual members by various district lawyers associations and the BLA; the presidents of the various district lawyers association is the ex officio representative of the Lawyers' Congress. The Board of Directors is composed of all directors elected by the Lawyers' Congress, and is the standing body of the Lawyers' Congress. When the Lawyers' Congress is not in session, the Board of Directors shall perform its duties in accordance with the decisions of the Lawyers' Congress and the Articles of Association of the BLA, and shall be responsible to the Lawyers' Congress. The Board of Supervisors consists of all supervisors elected by the Lawyers' Congress. As the supervisory body of the Lawyers' Congress, the Board of Supervisors is responsible for supervising the work of the Board of Directors and the President's Meeting, and shall be responsible and report its work to the Lawyers' Congress. The President's Meeting is composed of the president and vice presidents of the BLA, and is the decision-making body of the BLA for the daily affairs. It is responsible to the Lawyers' Congress and the Board of Directors, and is supervised by the Board of Supervisors. The Secretariat is the executive body of the BLA, which is

responsible to the Board of Directors and undertakes the daily work of the BLA. It is divided into seven departments.

The 12th session of BLA was formed in December 2023. The current session has a total of 335 lawyer representatives, including 79 directors, 21 supervisors, 1 president, 14 vice presidents, 1 chief supervisor, and 2 deputy chief supervisors. 19 special working committees have been established as the special working bodies for the performance of duties by the BLA, which are specifically responsible for the investigation and research of the industry, the drafting of industry standards, the protection of members' rights and interests, the affairs and welfare of members, the guidance on practice standards, the mediation and settlement of practice disputes and the punishment of practice violations, the education on members' professional ethics and practice discipline, the business training, the business research and exchange of experience, the international exchange, the guidance on the management of law firms, the training and guidance of young lawyers, the publicity of the legal profession, the drafting of financial budgets and final accounts, and other work. 46 specialized practice committees have also been established as the working bodies for business guidance and research of the BLA, which are responsible for carrying out theoretical discussion and demonstration on cutting-edge legal issues and hot social legal issues, providing opinions and suggestions to legislative, judicial and administrative organs on legislation and law enforcement, providing legal opinions and suggestions on large-scale government activities or emergencies as required by the BLA, formulating business guidance, and conducting business guidance and training to members.

### (1) 19 Special Working Committees

Party building working committee	Protection of Rights and Interests and Legal Community Construction Committee	Publicity and Liaison Committee
Foreign Legal Services Committee	Industry Rules Committee	Education and Training Committee
Administration and Examination Committee of Applicants for Lawyer Practitioners	Steering Committee for the Development of the Legal Profession and Management of Law Firms	Committee for Participation and Discussion on Politics and Promotion

Public Interest Legal  
Services and Social  
Responsibility Committee

Membership Affairs  
Committee

Committee for Cultural  
Construction

Disciplinary Committee

Member's Punishment  
Review Committee

Finance Committee

Young Lawyers Working  
Committee

Women Lawyers Working  
Committee

Old Lawyers Working  
Committee

Public and Corporate  
Lawyers Working  
Committee

## (2) 46 Special Committees

Insurance Law Committee

Wealth Management Legal  
Committee

Finance and Taxation  
Legal Committee

Urban Renovation  
and Expropriation of  
Demolition and Relocation  
Legal Committee

Legal Counsel Affairs  
Committee

Company Law Committee

Public Interest Legal  
Services and Legal Aid  
Committee

International Trade Legal  
Committee

Contract Law Committee

Internet Litigation Legal  
Committee

Marriage and Family Legal  
Committee

Construction Engineering  
Legal Affairs Commission

Transport Legal Committee	Competition and Antitrust Legal Committee	Civil-Military Integration Legal Affairs Committee
Cross-border Investment and Mergers and Acquisitions Legal Committee	Labor and Social Security Legal Professional Committee	Professional Commission of Construction and Business Environment of Two Districts
Civil Law Special Committee	Civil Procedure Law Special Committee	Energy Natural Resources and Environmental Protection Legal Committee
Agricultural and Rural Legal Affairs Commission	Bankruptcy and Liquidation Legal Committee	Professional Legal Committee on Corporate Compliance and Risk Prevention and Control
Trademark Legal Committee	Commercial Arbitration Legal Committee	Social Governance and Lawyers' Mediation Committee
Digital Economy and Artificial Intelligence Legal Committee	Private Fund and Equity Investment Legal Committee	Taiwan, Hong Kong, Macao and Affairs Related to Citizens Residing Abroad Legal Committee
Land and Real Estate Legal Committee	Professional Commission of Legal Affairs for the Protection of Minors	Culture, Tourism, Media and Sports Legal Committee
Consumer Rights and Product Quality and Safety Legal Committee	Criminal Law Special Committee	Criminal Procedure Law Special Committee
Administrative Law and Administrative Procedure Law Special Committee	Administrative Review Law Special Committee	Belt and Road Legal Services Special Committee

Pharmaceutical and  
Health Legal Committee

Banking and Finance Legal  
Committee

Securities Legal  
Committee

Government Public  
Services and Emergency  
Response Special  
Committee

Think Tank Group

Copyright Legal  
Committee

Patent Legal Committee

## 2.2 Foreign-related Service Function

In recent years, BLA has adhered to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, thoroughly practiced Xi Jinping Thought on the Rule of Law, fully implemented the spirit of the Third Plenary Session of the Twentieth Central Committee of the Communist Party of China, resolutely carried out the decisions and deployments of the Beijing Municipal Party Committee, the Beijing Municipal Government and the Beijing Municipal Bureau of Justice, actively focused on the functions of "four centers" and "two zones" in Beijing, accurately grasped function positioning, took the initiative to perform duties, and innovated the development. Facing the intertwining and overlapping changes and epidemics in the world, BLA has actively taken the lead in the quantity and quality of foreign-related lawyers in China to make new achievements and realize new development in promoting the legal construction of the capital and serving the economic and social development.

### 2.2.1 Focusing on the Needs of Foreign-related Rule of Law and Improving the Talent Training System

Over the years, BLA has established a three-dimensional training system covering legal English, practice skills and other aspects with foreign-related legal business as the main line, and has continuously cultivated and expanded the team of foreign-related lawyers. In order to further promote Beijing lawyers to provide foreign-related legal service support for Chinese enterprises participating in the country construction along the Belt and Road, BLA has set up the "Hundreds, Thousands and Ten Thousands of Lawyers' Sailing Program" training programs. Among them, the "Hundred Lawyers Training Program" focuses on



improving the level of foreign-related legal practice; the "Thousand Lawyer Training Program" targets lawyers who are new to the foreign-related areas; and the "Ten Thousand Lawyers Training Program" aims to popularize and promote the knowledge of foreign-related legal practice in the areas of intellectual property, foreign-related arbitration, and cross-border civil and commercial dispute resolution. More than 17,000 foreign-related lawyers have been trained in different directions, modules and batches. In addition, BLA also cooperates with the Chicago School of Law of Kent to carry out the Juris Master's degree program, and with the University of Washington to carry out the visiting scholars exchange program, which have provided systematical support for multi-level foreign-related legal personnel training.

In order to continuously cultivate and reserve a group of high-quality foreign-related lawyers who are familiar with international rules, have a global vision and an international perspective, and in order to improve the level of foreign-related legal services and international influence of Beijing, BLA has set up a talent pool of foreign-related lawyers. So far, there are 1,326 lawyers in the pool, and it is necessary to reserve excellent foreign-related talents for implementation of the 14th Five-Year Development Plan and "Two Districts" of Beijing. BLA will continue to explore excellent foreign-related lawyers and regularly expand the talent pool of foreign-related lawyers, so as to better provide legal services for deepening the construction of the Belt and Road Initiative, for Chinese enterprises and citizens to "go global", and for China's major foreign-related economic and trading activities and the overall situation of diplomatic work.

In 2023, Beijing Municipal Bureau of Justice issued the *Plan for Cultivating A Hundred High-end Foreign-related Rule of Law Talents in Beijing*, and established the *Program of Cultivating A Hundred High-end Foreign-related Rule of Law Talents in Beijing* for a period of three years. In response, BLA studied and formulated the requirements for applicants from the aspects of political quality, age structure, practice background, professional level and English level. After qualification review and primary election, and then a full process English interview, 20 lawyers have been identified as the first batch of trainees. BLA also actively participates in the preparation and organization of the training program, and keeps abreast of the training progress, to ensure that the program uses a cutting-edge, international and diversified training mode. Through domestic research and overseas visits, the trainees have understood the most practical legal needs, absorbed new information and new knowledge, further expanded their international professional vision, and laid a good foundation for continuing participating in the construction of the foreign-related rule of law in the future. In July 2024, BLA organized and carried out the selection

of lawyer trainees for the second phase of the training program, and optimized the English interview and assessment method, and finally recommended 17 lawyers to be the trainees of the second phase after comprehensive evaluation.

### **2.2.2 Building an International Exchange Platform and Carrying out Multi-level Business Discussion**

BLA continues strengthening exchanges and cooperation with foreign (overseas) lawyers, actively participates in various kinds of international conferences, publicizes the development of Beijing's legal profession, enhances the international image and influence of Beijing's legal profession. Over the years, BLA has organized and dispatched visiting groups for nearly 30 times and signed *Memorandums of Cooperation* with lawyer organizations in 11 countries or regions, such as Seoul of South Korea, England and Wales, Frankfurt of Germany, Madrid of Spain, Singapore, Moscow of Russia, Minsk of Belarus, and Kazakhstan, to establish a regular mutual visit and exchange mechanism.

BLA took the lead in organizing the 2nd China Legal Forum on International Trade in Services, and participated in organizing the 3rd China Legal Forum on International Trade in Services. On the two forums, BLA invited many foreign-related lawyers in Beijing for the in-depth discussion of the development of foreign-related business, and fully shared the new progresses made by the Beijing foreign-related legal service sector in serving the construction of "Two Zones", optimizing the business environment, and promoting the economic and social development, showing the outstanding presence of the capital's foreign-related legal service team, and further enhancing the recognition in China and abroad of the ability of the legal profession in Beijing for foreign-related legal services. During the 2nd Legal Forum, BLA signed the *Memorandum of Cooperation* with the Alliance of Lawyers of the Belt and Road Initiative, and during the 3rd Legal Forum, BLA signed the *Memorandum of Friendship and Cooperation* with the Association of Kazakhstan Legal Counsels, in order to further strengthen the construction of foreign-related lawyers, improve the proficiency of foreign-related lawyers, and assist Beijing lawyers to "go global". Since 2009, BLA has actively sent outstanding lawyers to participate in domestic and overseas high-level foreign-related development forums and they delivered keynote speeches. For example, Beijing lawyers attended the Tashkent Legal Spring International Legal Forum in Uzbekistan, the 7th BRICS Legal Forum, the 30th Annual Conference of the Pacific Rim Lawyers Association, the Legal Services Sub-forum of the Eurasian Economic Forum 2021, the Central Asian Legal Services Cooperation Forum 2023, and the Zhongguancun Forum Technology and Rule of Law Parallel Forum 2024, and etc. and are actively expanding their influence in the international legal profession.

### **2.2.3 Providing Services and Support for the Work of the Center and Supporting Major National Strategies**

On the basis of the in-depth survey of foreign-related lawyers, BLA has actively provided legal support for the high-quality development of the capital. It has successively established the Sino-US trade friction expert team, the legal service team for overseas talents, and the legal service team for the Olympic Winter Games. It has also completed the English translation and verification of the World Bank's reform measures in business environment assessment for two consecutive years, which won praise from all parties. Over the years, foreign-related lawyers in Beijing have provided high-quality foreign-related legal services for government organs, centrally-administered enterprises and state-owned enterprises, private enterprises and other entities, and provided an important legal service guarantee for Chinese enterprises and citizens to "go global", for jointly building the Belt and Road Initiative, and for supporting China's diplomacy and international relations and other aspects.

During the Beijing 2022 Olympic and Paralympic Winter Games, in order to give full play to the professional advantage of lawyers in the capital and support the Winter Olympic Games with comprehensive, high-quality and efficient public interest legal services, in accordance with the requirements of the CPC Beijing Committee and the unified arrangement of Beijing Municipal Bureau of Justice, BLA took the lead in establishing the Olympic Winter Games Public Interest Legal Service Group, with 25 professional lawyers with rich experience in foreign-related sports arbitration and dispute resolution and strong foreign language ability participating in the work. In addition, a working team was set up to cooperate in the work. After the end of the Olympic Winter Games, the service group continued to provide public interest legal service support to the athletes of the Paralympic Winter Games. Beijing lawyers have demonstrated their outstanding expertise to the athletes of the countries around the world with practical actions. On April 20, 2022, the Beijing Olympic Winter Games and Paralympic Winter Games Public Interest Legal Service Group was awarded the title of "Outstanding Team for the Security and Stability Work in the Judicial Administration System for the 2022 Beijing Olympic Winter Games and Paralympic Winter Games" by the Beijing Municipal Bureau of Justice.

In recent years, by promoting the Belt and Road Initiative, the construction of free trade areas and other major development strategies of the State, BLA has provided legal services for the development of the higher-level open economy. The BLA fully exploits the professional advantages of foreign-related lawyers in many areas such as finance and capital markets, cross-border investment, energy and infrastructure, and etc.,

actively provides special legal services focusing on strengthening the construction of the capital's "Four Centers" functions, and guides foreign-related lawyers to actively explore in many new areas such as the "Dual-Carbon" goals, the Metaverse and other new areas in combination with policies and regulations. At the same time, the BLA organizes and guides lawyers to take initiatives to connect with the cooperation projects of the countries and regions along the Belt and Road Initiative, and actively serve the national major development strategies. After issuing the *Three-Year Action Plan for the Development of Lawyer Industry in Beijing (2023- 2025)*, the BLA is establishing the information exchange mechanism for foreign-related enterprises, institutional groups, foreign-related law firms, and lawyer resources, improving the efficiency of connection between supply and demand sides, and strengthening the promotion of foreign-related law firms and lawyers in Beijing.

#### **2.2.4 Summarizing and Releasing Foreign-related Achievements to Provide Useful Practical Experience**

The BLA takes the initiative, exploits professional advantages, continuously carries out foreign-related research on the rule of law, and provides advice and suggestions for the development of the industry of foreign-related legal services in the capital. It has prepared the legal risk warning reports for 9 areas, namely ASEAN, Central Asia, Southwest Asia, the Belt and Road area, North America, Europe, and etc. In the meantime, it has also organized and compiled the *Chinese Enterprises Overseas Investment Legal Environment Report Collection of Sixty-Five Countries along the Belt and Road*, covering the countries often involved in Chinese enterprises' investment, in order to provide early warning and assessment for Chinese lawyers and Chinese enterprises to prevent major legal risks in the investment process.

In recent years, BLA has successively published industry research and development reports such as *Beijing Foreign-related Legal Services Research Report*, *Beijing Law Firms "Going Global" Research Report*, *Status of the Development of Beijing Foreign-related Legal Services*, and *Beijing Lawyer Industry Assisting in High-level Opening-up*, which summarize the changes and trends of Beijing's foreign-related legal services industry, provide data support for formulating the development policy of Beijing's lawyer industry for foreign-related legal services, and at the same time provide suggestions for the challenges encountered by law firms in "going global".

In order to comprehensively summarize the experience of foreign-related legal services provided by lawyers in Beijing and strengthen the exchange of foreign-related legal services, the BLA has compiled and printed the *Collection of Excellent Cases of Foreign-related Legal Services I&II*, which has included a total of 116 cases and covers



14 business areas, including overseas recognition and enforcement of judgments and awards, anti-dumping and countervailing, intellectual property disputes, and etc. The Case Collection records in detail the process of handling relevant foreign-related cases, analyzes the focus of dispute of each case, interprets the difficulties and highlights of the relevant foreign-related legal service projects from multiple levels and angles, and summarizes the successful experience of the cases, demonstrates the extremely high legal knowledge and due responsibilities of Beijing lawyers in foreign-related legal services, and provides valuable and appreciable experience for foreign-related legal services. In 2022 and 2023, the BLA compiled and printed two editions of the *A Snapshot of Foreign-Related Legal Services of Beijing Lawyers' Industry*, which bring together 260 foreign-related lawyers of 26 outstanding foreign-related law firms and more than 500 excellent cases, showcasing the outstanding presence and professional ability of the foreign-related lawyers. It also distributed and promoted the brochures to the public during the China Legal Forums on International Trade in Services, further demonstrating the mission and responsibility of the Beijing legal profession in serving foreign-related rule of law work.

#### **2.2.5 Utilizing the Communication Effectiveness of the New Media Matrix to Make the Brand of Beijing's Foreign-related Lawyers More Stereoscopic**

In recent years, BLA has vigorously strengthened its efforts to promote and publicize the development of Beijing's foreign-related legal services. BLA has opened WeChat Official Accounts, such as "Capital Foreign-related Lawyers Camp" and "Escorting 'Going Global', Capital Lawyers in Action", to publicize Beijing's outstanding foreign-related lawyers and law firms "going global" in an all-round way, to expand the influence of Beijing's foreign-related lawyers and firms, and to promote the brand name of Beijing's foreign-related lawyers and firms. At the same time, BLA continuously strengthens the positive interaction with authoritative media platforms and carries out extensive cooperation with news medias. The *Legal Daily* and other mainstream media have successively released a number of special reports on Beijing's foreign-related legal services, effectively enhancing the publicity of the industry and highlighting the excellent image of Beijing's foreign-related lawyers.

## II. Foreign Investment Services

### 1. Approval and Record-filing of Foreign Investment Projects

#### 1.1 Overview of Foreign Investment Access Management System

China adheres to the basic national policy of opening up to the world, encourages foreign investors to invest in China in accordance with the law, continuously optimizes the foreign investment environment, improves the level of opening up to the world, and further expands the fields of foreign investment in certain cities through pilot programs. Since the *Foreign Investment Law of the People's Republic of China* ("*Foreign Investment Law*") came into effect on January 1, 2020, China fully implements a system of "pre-establishment national treatment" and "negative list management" for foreign investment, which are applicable to investment activities directly or indirectly conducted by foreign natural persons, enterprises or other organizations within the territory of China, such as Sino-foreign joint ventures, Sino-foreign cooperation, wholly foreign-owned enterprises, foreign invested partnerships, foreign mergers and acquisitions of domestic enterprises, capital increase and reinvestment projects of foreign invested enterprises. In order to promote investment, China formulated the *Catalogue of Industries for Encouraging Foreign Investment* to encourage and guide foreign investors to invest in specific industries, fields and regions. Foreign investors who invest in industries or fields that require licenses according to law shall perform relevant licensing procedures in accordance with the law.

*The Special Administrative Measures on Access to Foreign Investment* ("*Negative List for Foreign Investment*") uniformly lists administrative measures for prohibitions and restrictions on foreign investment, such as the requirement of share ratio and senior executive ratio. The investments beyond the scope of the *Negative List for Foreign Investment* shall be managed in accordance with the principle of equal treatment to both domestic and foreign investment, and those that require approval and record-filing shall be executed in accordance with relevant regulations. Measures related to administrative approval, qualification conditions, national security, and etc. in cultural, financial, and



other fields not listed in the *Negative List for Foreign Investment* shall be implemented in accordance with current regulations.

General foreign investments other than those subject to approval management shall be subject to record-filing management. Where the changes of project site, investor or equity structure, main construction contents and other circumstances are required to conduct change formalities as stipulated by relevant laws, regulations and industrial policies, an application for change shall be made to the original approval authority, and the procedure shall be based on the relevant provisions of the initial approval and record-filing. Where an approved project is changed into a project needing to do record-filing formalities after the change, or a record-filed project becomes a project needing to do approval formalities after the change, it shall be handled in accordance with the after-change scope of administrative management.

If the projects to be invested by overseas investors do not conform to the provisions of the *Negative List for Foreign Investment*, the licensing, enterprise registration, fixed asset investment project approval and other matters shall not be conducted, and the foreign invested partnership shall not be established for the investment in the fields with equity ratio requirements. Upon approval by relevant competent authorities under the State Council and then upon approval by the State Council, specific foreign investments may be exempted from the governance of the *Negative List for Foreign Investment*. If there are more preferential provisions on the access treatment for overseas investment in the economic and trade agreements between the Chinese mainland, Hong Kong, Macao and Taiwan, or in the international treaties or agreements concluded or participated by China, such provisions may prevail. If more favorable opening-up measures are implemented for eligible investors in special economic zones such as free trade pilot zones, relevant regulations on foreign investment access in the free trade zones shall be followed.

The merger and acquisition of a related party domestic company by an overseas company that is legally established or controlled by a domestic company, enterprise or natural person shall be handled in accordance with relevant provisions on foreign investment.

The merger and acquisition of domestic enterprises by foreign investors shall be governed by the relevant provisions of the Ministry of Commerce on foreign investment merger and acquisition, and if there is any conflict with the foreign investment laws and regulations that are subsequently effective, the subsequent laws and regulations shall prevail. Foreign mergers and acquisitions involving concentrations between undertakings, management of state-owned assets and administrative management of domestic listed

companies shall be subject to review by relevant regulatory authorities.

The State has established a foreign investment information reporting system. Foreign investors or foreign-invested enterprises shall, in accordance with the principle of necessity, submit investment information to the competent commercial department through the enterprise registration system and the enterprise credit information publicity system.

## 1.2 Handling Matters in the Beijing Area

Beijing encourages foreign investors and foreign-invested enterprises to invest in the national encouraged foreign investment industry, strategic emerging industries, advanced manufacturing and modern service industries that are key to the city's development. Beijing encourages foreign investors and foreign-invested enterprises to participate in the activities related to implementing the carbon peak and carbon neutrality strategy, and promotes green and low-carbon development. Beijing encourages foreign investors and foreign-invested enterprises to cooperate with universities, research institutions and other enterprises to engage in technological areas based on voluntary principle and commercial rules.

Depending on the amount of foreign investment projects and the types of projects involved, the approval authority for access of foreign investment in Beijing Area is the development and reform departments at the level of the State or Beijing respectively.

Regarding the approval/record-filing requirements at the level of Beijing city, new foreign investment projects or M&A projects involving fixed assets investment in the *Negative List for Foreign Investment* shall go through the approval procedures according to the requirements for share ratio and senior executives. The projects with total investment (including capital increase) of USD 300 million or more shall be approved by the National Development and Reform Commission of the People's Republic of China; the projects under USD 300 million shall be approved by the Beijing Municipal Development and Reform Commission, and Beijing Economic-Technological Development Area Management Committee, as well Beijing City Deputy Center Administrative Management Committee and other departments exercise municipal authority (excluding the projects that shall be approved by provincial and above investment authorities as stipulated by the State). Other projects subject to approval management shall be managed in accordance with the principle of equal treatment to both domestic and foreign investment. The

foreign investment projects settled in the pilot free trade zones shall be implemented in accordance with *Negative List for Foreign Investment* in Pilot Free Trade Zones. In order to simplify the approval procedures for foreign investment projects, the project related units (entities) in Beijing shall submit project application reports without attaching financial statements, capital credit certificates, environmental impact assessment approval documents, energy conservation review opinions and state-owned assets investment confirmation documents, except for the contents stipulated by the National Development and Reform Commission of China. Unless otherwise provided for by laws and administrative regulations, the approval procedures for foreign investment projects may be handled in parallel with other licensing procedures.

Except for the foreign investment projects that should be registered and managed by the provincial development and reform departments as stipulated by the State Council, other foreign investment projects shall be registered and managed by the local district development and reform departments (such as Beijing Economic-Technological Development Area Management Committee) in accordance with the principle of localized management. The foreign investment in the simple and low-risk engineering construction projects belonging to the authority scope of the Beijing City level shall be cancelled the approval procedure and be replaced with record-filing management procedure, and the foreign investment projects originally belonging to the authority scope of the municipal approval and record-filing management shall be delegated to the specific district where the project is located for record-filing management. All the foreign investment projects needing to do record-filing shall be subject to the informative record-filing management. The project related units (entities) shall complete the record-filing of basic project information through the Beijing Development and Reform System Online Government Service Platform, including the information of project owner, project name, project location, project contents, investment scale, investors and their countries, investment amount and proportion, statement on compliance with *Negative List for Foreign Investment* and industrial policy, and etc.

### 1.3 List of Competent Institutions at All Levels in Beijing

No.	Institution Name	Address / Tel. No.
1	National Development and Reform Commission	Southern Lane 5, Sanlihe, Xicheng District, Beijing. 010-68505046
2	Beijing Municipal Commission of Development and Reform	Beijing Government Affairs Service Center: No.1, West Third Ring South Road, Fengtai District, Beijing. Beijing City Deputy Center Government Affairs Service Center: Zone 2, No.48, Xinhua East Street, Tongzhou District, Beijing. 010-89150737
3	Administrative Approval Bureau of Beijing Economic-Technological Development Area	Beijing Economic-Technological Development Area Government Affairs Service Center: Floor 1, No.4, Wanyuan Street, Beijing Economic-Technological Development Area. 010-67857878
4	Tongzhou District Development and Reform Commission	Beijing City Deputy Center Government Affairs Service Center: Zone 2, No.48, Xinhua East Street, Tongzhou District, Beijing. 010-69554805
5	Chaoyang District Development and Reform Commission	Chaoyang District Government Affairs Service Center: No.1, Xiaoyunli, Xiaoyun Road, Chaoyang District, Beijing. 010-64685163 Chaoyang District Development and Reform Commission: Building 303, Baiziwan Xili, Chaoyang District, Beijing. 010-65090600

No.	Institution Name	Address / Tel. No.
6	Dongcheng District Development and Reform Commission	Dongcheng District Government Affairs Service Center: Floor 3, No.12, Dongdajie Street, Zhushikou, Dongcheng District, Beijing. 010-64079927
7	Xicheng District Development and Reform Commission	Xicheng District Government Affairs Service Center: Floor 2, Building D, No.8, Xuanwumen Outer Street, Xicheng District, Beijing. 010-83926765
8	Fengtai District Development and Reform Commission	Fengtai District Government Affairs Service Center: Floor 1, No.7, Nanyuan Road, Fengtai District, Beijing. 010-63397070
9	Shijingshan District Development and Reform Commission	Shijingshan District Government Affairs Service Center: Comprehensive Window, No.5-13, Floor 1, Building 17, No. 30, Shixing Street, Shijingshan District, Beijing. 010-68870790
10	Haidian District Development and Reform Commission	Haidian District Government Affairs Service Center: Floor 3, No.A29, Dongbeiwang South Road, Haidian District, Beijing. 010-88498599/88497710
11	Mentougou District Development and Reform Commission	Mentougou District Government Affairs Service Center: Comprehensive Window, Floor 2, No.72, Binhe Road, Mentougou District, Beijing. 010-69859423

No.	Institution Name	Address / Tel. No.
12	Fangshan District Development and Reform Commission	Fangshan District Government Affairs Service Center: Windows 9-22, Construction Area, Hall 1, Floor 1, No. 38, Haotian North Street, Changyang Town, Fangshan District, Beijing.  010-81312846
13	Shunyi District Development and Reform Commission	Shunyi District Government Affairs Service Center: Comprehensive Window, Floor 1, No.3, Fuxing East Street, Shunyi District, Beijing.  010-89430850
14	Changping District Development and Reform Commission	Changping District Government Affairs Service Center:  Comprehensive Window, No.2-7, Floor 5, Building 4, No.22, Longshui Road, Changping District, Beijing.  010-80110258
15	Daxing District Development and Reform Commission	Daxing District Government Affairs Service Center:  Comprehensive Acceptance Window, Floor 1, No.15, Section 3, Xinghua Street, Daxing District, Beijing.  010-81296046
16	Huairou District Development and Reform Commission	Huairou District Government Affairs Service Center:  Comprehensive Window, Floor 1, No.53, Yanqi Street, Huairou District, Beijing.  010-69691902
17	Pinggu District Development and Reform Commission	Pinggu District Government Affairs Service Center: Comprehensive Windows 11-12, No.13 (Information Building), Linyin North Street, Pinggu District, Beijing.  010-89999208
18	Miyun District Development and Reform Commission	Miyun District Government Affairs Service Center:  Comprehensive Acceptance Window, Construction Project Comprehensive Service Area, Floor 3, No.285, Xindong Road Miyun District, Beijing.  010-69041783



No.	Institution Name	Address / Tel. No.
19	Yanqing District Development and Reform Commission	Yanqing District Government Affairs Service Center: Comprehensive Window for Approval of Construction Projects, Floor 4, No.60, Qingyuan Street, Yanqing District, Beijing. 010-60166025
<p>Central Government Project Application Platform: Log into the homepage of the online platform (<a href="http://new.tzxm.gov.cn">http://new.tzxm.gov.cn</a>) (You need to register the unified Internet authentication platform of the National Development and Reform Commission first).</p> <p>Local Project Application Platform: Log into the homepage of the online platform (<a href="http://new.tzxm.gov.cn">http://new.tzxm.gov.cn</a>) (You need to register the unified identity authentication platform of Beijing first).</p> <p>For the specific application process and information requirements, please refer to the online platform prompted information and the official website of each institution or call the telephone or go to the window for detailed inquiry.</p>		

## 2. Establishment of Foreign-invested Enterprises

### 2.1 Overview of the Registration System of Foreign-Invested Enterprises

The *Foreign Investment Law* was implemented on January 1, 2020. Pursuant to the *Foreign Investment Law*, foreign-invested enterprises shall adopt the same organization form, structure and operation principles as domestic companies, and the provisions of the *Company Law* and the *Law of the Partnership Enterprise of the People's Republic of China* and other laws shall apply equally to foreign-invested enterprises as domestic companies. The laws originally applicable to foreign-invested enterprises including the *Law of the People's Republic of China on Sino-Foreign Equity Joint Ventures*, the *Law of the People's Republic of China on Wholly Foreign-owned Enterprises*, and the *Law of the People's Republic on Sino-Foreign Contractual Joint Ventures* (i.e. the former "Three Laws of Foreign-Invested Enterprises") were repealed simultaneously.

As for the forms of foreign-invested enterprises, in addition to limited liability companies, joint-stock limited liability companies and partnership enterprises, the

company forms related to foreign investment also include non-corporate representative offices of foreign enterprises. Thus, the establishment rules of foreign-invested enterprises in this section cover broadly the foreign direct investment, mergers and acquisitions of domestic enterprises by foreign investors, reinvestment by foreign-invested enterprises and establishment of representative offices by foreign enterprises. Registration matters mainly include the establishment, change of registration, and deregistration of foreign-invested enterprises and representative offices of foreign enterprises.

In terms of registration authorities, foreign-invested enterprises shall be registered with Market Supervision and Administration Bureaus ("MSBs") as domestic enterprises. As for which are the applicable registration authorities, according to Article 4 of the *Detailed Rules for the Implementation of the Regulation of the People's Republic of China on the Administration of the Registration of Market Entities*, the *List of Market Supervision and Administration Authorities Being Delegated the Authority over Registration of Foreign-invested Enterprises* and the *Opinions of Beijing MSB on the Implementation of the Administrative Regulations on the Registration of Market Entities*, the State Administration for Market Regulation has delegated the authority to Beijing MSB and the MSBs of relevant districts in Beijing to administer the registration of foreign-invested enterprises. In principle, the respective district MSBs where the foreign-invested enterprises are located shall be responsible for the registration of the foreign-invested enterprises. Beijing MSB is only responsible for the registration of (i) companies invested by Beijing municipal government and other provincial government or their authorized state-owned assets supervision and administration authorities, (ii) second-tier subsidiaries controlled (holding more than 50% equity shares) by such government agencies, and (iii) other market entities deemed necessary to be registered municipally by Beijing MSB.

Regarding the registration requirements, it is worthwhile to understand the prior approval and record-filing requirements as introduced in the previous section entitled "Approval and Record-filing of Foreign Investment Projects". Although the registration matters of domestic and foreign enterprises are unified now, industry access for foreign-invested enterprises is still subject to the management of the *Negative List for Foreign Investment*. If a foreign-invested enterprise intends to engage in the industry as prescribed in the *Negative List for Foreign Investment* or in particular the industries with access restrictions as prescribed in relevant laws and regulations, such as printing and publications, as well telecommunications, and etc., the foreign investors shall obtain the applicable industry approval before moving on to the registration procedures. Therefore, it is necessary for an investor to confirm with the relevant authorities as to whether the registration is subject to the prior approval and record-filing requirements.

## 2.2

## List of Market Regulatory Authorities in Beijing that Have Been Granted Power to Register and Supervise Foreign-invested Enterprises

No.	Institution Name	Address / Tel. No.
1	Beijing Market Supervision and Administration Bureau	<p>Beijing City Deputy Center Government Affairs Service Center: Zone 2 (southeast corner), No.48, Xinhua East Street, Tongzhou District, Beijing, 010-86409127.</p> <p>Beijing Government Affairs Service Center: No.1, West Third Ring South Road, Fengtai District, Beijing (southwest corner of Liuliqiao), 010-89150001.</p> <p>Beijing Market Supervision and Administration Bureau: Window for Enterprise Registration, Building 1, Courtyard No.6, Liuzhuang Road, Tongzhou District, Beijing, 010-11616611.</p>
2	Beijing Dongcheng District Market Supervision and Administration Bureau	<p>Dongcheng District Government Affairs Service Center: Floor 1, No.12, Dongdajie Street, Zhushikou, Dongcheng District, Beijing, 010-65006161.</p> <p>Beijing Dongcheng District Market Supervision and Administration Bureau: Window for General Services, No.267, North Dongsu Avenue, Dongcheng District, Beijing, 010-84082988.</p>
3	Beijing Xicheng District Market Supervision and Administration Bureau	<p>Xicheng District Government Affairs Service Center: New Service Hall, No.275, Xizhimen Insider Street, Xicheng District, Beijing, 010-66007070.</p> <p>Beijing Xicheng District Market Supervision and Administration Bureau: Window for General Services, No.5, West Zone of Guanying Garden, Nancaochang Street, Xicheng District, Beijing, 010-88087657.</p>

No.	Institution Name	Address / Tel. No.
4	Beijing Chaoyang District Market Supervision and Administration Bureau	<p>Wangjing Sub-Center of Registration Department of Chaoyang District: Window for General Services, Floor 1, Building 5, Greenland Center, Hongtai East Street, Chaoyang District, Beijing, 010-51069126.</p> <p>Beijing Chaoyang District Government Affairs Service Center: Comprehensive Window, Floor 1, No.1, Xiaoyunli, Xiaoyun Road, Chaoyang District, Beijing, 010-64668900.</p> <p>Beijing Chaoyang District Market Supervision and Administration Bureau: Comprehensive Window, No.1, Xiaoyunli, Xiaoyun Road, Chaoyang District, Beijing, 010-51069009.</p>
5	Beijing Haidian District Market Supervision and Administration Bureau	<p>Haidian District Government Affairs Service Center (Shangdi Office): Windows 42-44, No.A-29, Dongbeiwang South Road, Haidian District, Beijing, 010-52808123.</p> <p>Haidian District Government Affairs Service Center (Hangtianqiao Office): Comprehensive Window, Yindu Building, No.67, Fucheng Road, Haidian District, Beijing, 010-68465991.</p> <p>Beijing Haidian District Market Supervision and Administration Bureau: Window for Enterprise Registration, No.9, Daozuo Temple, Haidian District, Beijing, 010-82827588.</p>
6	Beijing Fengtai District Market Supervision and Administration Bureau	<p>Fengtai District Government Affairs Service Center: No.7, Nanyuan Road, Fengtai District, Beijing, 010-63397070.</p> <p>Beijing Fengtai District Market Supervision and Administration Bureau: Window for Enterprise Registration, No.7, Nanyuan Road, Fengtai District, Beijing, 010-63322401.</p>
7	Beijing Daxing District Market Supervision and Administration Bureau	<p>Daxing District Government Affairs Service Center -Business and Tax Office: Comprehensive Window, Building 3, No. 18, Jinxing Road, Daxing District, Beijing, 010-81299010.</p> <p>Beijing Daxing District Market Supervision and Administration Bureau: Center for Enterprise Registration, Comprehensive Window, No.3, Xingfeng Section, Jingkai Road, Daxing District, Beijing, 010-81299489.</p>

No.	Institution Name	Address / Tel. No.
8	Beijing Shijingshan District Market Supervision and Administration Bureau	<p>Shijingshan District Government Affairs Service Center - South Area: Comprehensive Windows 3-6, Floor 1, No.64, Shixing Street, Shijingshan District, Beijing, 010-88795976.</p> <p>Shijingshan District Government Affairs Services Center - North Section: South Zone, Floor 1, Building 17, No.30, Shixing Street, Shijingshan District, Beijing.</p> <p>Beijing Shijingshan District Market Supervision and Administration Bureau: Comprehensive Window, No.64, Shixing Street, Shijingshan District, Beijing, 010-88797086.</p>
9	Beijing Mentougou District Market Supervision and Administration Bureau	<p>Mentougou District Government Affairs Service Center: Comprehensive Window, Floor 2, No.72, Binhe Road, Mentougou District, Beijing, 010-69859423.</p> <p>Beijing Mentougou District Market Supervision and Administration Bureau: Comprehensive Window, No.70, Binhe Road, Mentougou District, Beijing, 010-69859423.</p>
10	Beijing Tongzhou District Market Supervision and Administration Bureau	<p>Beijing City Deputy Center Government Affairs Service Center: Comprehensive Window, Zone 2, No.48, Xinhua East Street, Tongzhou District, Beijing, 010-86409172.</p> <p>Beijing Tongzhou District Market Supervision and Administration Bureau: Comprehensive Window, No.5, Second Street of North Binhui, Yongshun Town, Tongzhou District, Beijing, 010-86409127.</p>
11	Beijing Shunyi District Market Supervision and Administration Bureau	<p>Shunyi District Government Affairs Service Center: Zone B, Floor 1, No.3, East Fuxing Street, Shunyi District, Beijing, 010-89448087.</p> <p>Beijing Shunyi District Market Supervision and Administration Bureau: Window for Enterprise Registration, No.19, East Fuqian Street, Shunyi District, Beijing, 010-89448655.</p>
12	Beijing Changping District Market Supervision and Administration Bureau	<p>Changping District Government Affairs Service Center: Comprehensive Window, Building 4, No.22, Longshui Road, Changping District, Beijing. 010-69706142.</p> <p>Beijing Changping District Market Supervision and Administration Bureau: Comprehensive Window, No.31, South Gulou Street, Changping District, Beijing, 010-69742605.</p>



No.	Institution Name	Address / Tel. No.
13	Beijing Miyun District Market Supervision and Administration Bureau	<p>Miyun District Government Affairs Service Center: Comprehensive Window for Enterprise Registration (individual industrial and commercial households), Floor 1, No.285, Xindong Road, Miyun District, Beijing, 010-69041054.</p> <p>Beijing Miyun District Market Supervision and Administration Bureau: Comprehensive Window, No.49, Xinnan Road, Miyun Town, Miyun District, Beijing, 010-69041054.</p>
14	Beijing Huairou District Market Supervision and Administration Bureau	<p>Huairou District Government Affairs Service Center: Comprehensive Window, Floor 1, No.53, Yanqi Street, Huairou District, Beijing, 010-69687705.</p> <p>Beijing Huairou District Market Supervision and Administration Bureau: Comprehensive Window, No.14, North Avenue, Huairou District, Beijing, 010-69687705.</p>
15	Beijing Yanqing District Market Supervision and Administration Bureau	<p>Yanqing District Government Affairs Service Center: Floor 2, No.60, Qingyuan Street, Yanqing District, Beijing, 010-81193818.</p> <p>Beijing Yanqing District Market Supervision and Administration Bureau: Comprehensive Window, No.70, Dongwai Avenue, Yanqing District, Beijing, 010-69140562.</p>
16	Beijing Pinggu District Market Supervision and Administration Bureau	<p>Pinggu District Government Affairs Service Center: Enterprise Opening Hall, Windows 16-18, Market Supervision and Administration Bureau, Floor 1, No.13(Information Building), Linyin North Street, Pinggu District, Beijing, 010-69962368.</p> <p>Beijing Pinggu District Market Supervision and Administration Bureau: Comprehensive Window, Floor 18, Social Service Center of Pinggu, No.17, West Fuqian Street, Pinggu District, Beijing, 010-69982843.</p>
17	Beijing Fangshan District Market Supervision and Administration Bureau	<p>Fangshan District Government Affairs Service Center: Comprehensive Windows 1-14, Market Regulation Area, Floor 2, No.38, North Haotian Street, Changyang Town, Fangshan District, Beijing, 010-81312718.</p> <p>Beijing Fangshan District Market Supervision and Administration Bureau: Comprehensive Window, No.22, West Liangxiang Road, Fangshan District, Beijing, 010-81312718.</p>



No.	Institution Name	Address / Tel. No.
18	Yanshan Administration for Beijing Fangshan District Market Supervision and Administration Bureau	Window for Enterprise Registration, Building A, Beijing Petrochemical New Materials Technology Industrial Base, No.6, East 1st Lane, Gangnan Road, Yanshan, Fangshan District, Beijing, 010-80346111.  Beijing Fangshan District Market Supervision and Administration Bureau Yanshan Branch: Comprehensive Window, No.3, East 2nd Lane, Gangnan Road, Fangshan District, Beijing, 010-80346111.
19	Beijing Economic-Technological Development Area Management Committee	Beijing Economic-Technological Development Area Government Affairs Service Center: Floor 1, No.4, Wanyuan Street, Beijing Economic-Technological Development Area. 010-67857878.  Beijing Economic-Technological Development Area Management Committee: Comprehensive Window, Floor 1, No.15, Boda Building, Middle Ronghua Road, Daxing District, Beijing, 010-67857878.

The above-mentioned contact numbers are for reference only, and the latest publicized numbers on the official website shall prevail. For details on the application process and document requirements, please refer to the instructions on the online platform and the official websites of the respective institutions, or inquire by phone or at service counters.

Enterprise name application system: <https://ect.scjgj.beijing.gov.cn/index>

Online appointment website: <http://banshi.beijing.gov.cn/>

Telephone appointment: 010-89150001

One-time Notice for the Establishment of Companies (applicable to both domestic and foreign-invested enterprises):

<https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729560211875740.pdf>

One-time Notice for the Deregistration of Companies (applicable to both domestic and foreign-invested enterprises):

<https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/yxgsgzd/202202/P020220729559901377382.pdf>

One-time Notice for the Establishment of Representative Offices of Foreign Enterprises: <https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553878825208.pdf>

One-time Notice for the Deregistration of Representative Offices of Foreign Enterprises:

<https://scjgj.beijing.gov.cn/bsfw/bgxz/bgdjzc/gzd/wgqyzdbjggzd/202202/P020220729553525121630.pdf>

## 3. Foreign Exchange Registration and Management

### 3.1 Overview of the Management System

In the People's Republic of China, the State Administration of Foreign Exchange ("SAFE") and its branches (hereinafter collectively referred to as the "Foreign Exchange Control Authorities") perform the duties of foreign exchange control in accordance with the law. They manage the foreign exchange receipts and payments and foreign exchange business activities carried out by domestic organizations and domestic individuals of China, as well as the foreign exchange receipts and payments or foreign exchange business activities carried out in China by overseas organizations and overseas individuals.

"Domestic organizations" refer to state organs, enterprises, public institutions, social organizations, military units, and etc., within the territory of the People's Republic of China, excluding foreign diplomatic and consular agencies stationed in China and representative offices of international organizations stationed in China. "Domestic individuals" refer to Chinese citizens and foreigners who have continuously resided within the territory of the People's Republic of China for one year or more, excluding foreign diplomats stationed in China and representatives of international organizations stationed in China.

China's foreign exchange management system encompasses foreign exchange control for current account items, foreign exchange control for capital account items, administration of foreign exchange businesses of financial institutions, and the administration of RMB exchange rates and foreign exchange market. Specifically:

#### **3.1.1 Foreign Exchange Control for Current Account Items**

Current account items mean goods, services, gains and transactions items, and etc. that are frequently transferred as involved in international receipts and payments, such as the import and export of tangible commodities, receipts and payments of intangible trading items (e.g., transportation, insurance and tourism), and international transfer payments (e.g., reparations, aid, remittances, gifts and etc).

Foreign exchange receipts and payments under current account items shall be based on true and legitimate transactions. Financial institutions engaging in the settlement and sale of foreign exchange, shall pursuant to the provisions of SAFE, carry out reasonable examination of the veracity of transaction documents and the consistency of the

transaction documents and the foreign exchange receipts and payments. The Foreign Exchange Control Authorities have the power to carry out supervision and inspection.

Foreign exchange receipts under current account items may, pursuant to the relevant provisions of China, be retained or sold to financial institutions engaging in the settlement and sale of foreign exchange. Foreign exchange payments under current account items shall, pursuant to the administrative provisions of SAFE on payments of foreign exchange and the purchase of foreign exchange, be made using self-owned foreign exchange or foreign exchange purchased from financial institutions engaging in the settlement and sale of foreign exchange by presenting the valid documentation.

The quota for carrying and declaration of foreign currency cash brought into and out of China is stipulated by SAFE.

### **3.1.2 Foreign Exchange Control for Capital Account Items**

Capital account items mean transaction items in international receipts and payments which cause changes in foreign-related assets and liabilities, including capital transfers, direct investments, investments in securities, derivatives and loans, and etc.

Overseas organizations and overseas individuals making direct investments in China or engaging in issuance and trading of valuable securities or derivatives in China, and domestic organizations and domestic individuals making direct investments overseas or engaging in issuance and trading of valuable securities and derivatives overseas, shall, upon approval by or record-filing with the relevant authorities in charge, or upon complying with the market entry provisions of China, process registration formalities pursuant to the provisions of SAFE.

China implements scale management for foreign debts. Borrowing of foreign debts shall be handled pursuant to the relevant provisions of China, and foreign debt registration formalities shall also be processed with the Foreign Exchange Control Authorities. SAFE is responsible for statistical monitoring of foreign debts nationwide and regularly announces the status of foreign debts.

Provision of foreign-related guarantees or domestic organizations' proposing to provide commercial loans overseas shall submit an application to the Foreign Exchange Control Authorities. The Foreign Exchange Control Authorities will decide on approval or non-approval based on the assets and liabilities and other situation of the applicant. Where China stipulates that the scope of business of the applicant shall be subject to approval by the relevant authorities in charge, approval formalities shall be processed prior to submitting the application to the Foreign Exchange Control Authorities. Financial institutions in the banking industry may directly provide commercial loans overseas

within their approved scope of business. Upon execution of a foreign-related guarantee contract by the applicant for providing foreign guarantee, such foreign-related guarantee registration formalities shall be processed with the Foreign Exchange Control Authorities. Registration formalities shall be processed pursuant to the provisions of SAFE for provision of commercial loans to overseas parties. The aforesaid does not apply where the State Council of China has approved the provision of foreign-related guarantees for onward lending for loans from foreign governments or loans from international financial institutions.

Foreign exchange receipts under capital account items to be retained or sold to financial institutions engaging in settlement and sale of foreign exchange shall be subject to approval by the Foreign Exchange Control Authorities, except where China stipulates that no approval is required. Foreign exchange payments under capital account items shall, pursuant to the administrative provisions of SAFE on payments of foreign exchange and purchase of foreign exchange, be made using self-owned foreign exchange or foreign exchange purchased from financial institutions engaging in settlement and sale of foreign exchange by presenting the valid documentation. Where China stipulates that approval by the Foreign Exchange Control Authorities is required, approval formalities shall be processed prior to making foreign exchange payments. Where a foreign-invested enterprise has terminated business pursuant to the law, upon liquidation and tax payment pursuant to the relevant provisions of China, all the RMB which belong to the foreign investors may be remitted out of China using foreign exchange purchased from financial institutions engaging in settlement and sale of foreign exchange.

Foreign exchange from capital account items and funds from settlement of foreign exchange shall be used for the purpose(s) approved by the relevant authorities in charge and the Foreign Exchange Control Authorities. The Foreign Exchange Control Authorities shall have the power to carry out supervision and inspection of usage of foreign exchange from capital account items and funds from settlement of foreign exchange and changes in accounts.

### **3.1.3 Administration of Foreign Exchange Businesses of Financial Institutions**

Financial institutions proposing to engage in settlement and sale of foreign exchange or terminate engagement in settlement and sale of foreign exchange shall be subject to approval by the Foreign Exchange Control Authorities. Financial institutions proposing to engage in other foreign exchange businesses or terminate engagement in other foreign exchange businesses shall, pursuant to the division of duties, be subject to approval by the Foreign Exchange Control Authorities or the financial industry regulatory authorities.

The Foreign Exchange Control Authorities shall implement comprehensive positions administration for foreign exchange businesses of financial institutions. Switching between RMB and foreign currencies for the capital funds and profits of a financial institution and due to incompatibility of RMB-denominated and foreign currency-denominated assets shall be subject to approval by the Foreign Exchange Control Authorities.

#### **3.1.4 Administration of RMB Exchange Rates and Foreign Exchange Market**

An administered floating rate system based on market supply and demand shall be implemented for RMB exchange rates. Financial institutions engaging in settlement and sale of foreign exchange and other organizations which comply with the criteria stipulated by SAFE may carry out foreign exchange transactions in the interbank foreign exchange market pursuant to the provisions of SAFE.

Transactions in the foreign exchange markets shall comply with the principles of transparency, fairness, equitableness, honesty and trustworthiness. SAFE stipulates the types of currency and forms of transactions in the foreign exchange markets, supervises and administers the foreign exchange markets nationwide pursuant to the law, and may regulate the foreign exchange markets pursuant to the law according to the changes in the foreign exchange markets and the requirements of monetary policy.

### **3.2 Handling Matters in the Beijing Area**

#### **3.2.1 Matters Handled by SAFE Beijing Branch**

Beijing Branch of SAFE ("Beijing Branch") is the branch of SAFE in Beijing, whose main responsibilities are: be responsible for the statistical analysis and early warning of the international receipts and payments and foreign exchange receipts and payments, foreign exchange control for current account items, foreign exchange control for capital account items, and administration of foreign exchange businesses of financial institutions in Beijing area; to inspect the implementation of foreign exchange control laws and regulations by Beijing regional institutions in accordance with law; to punish violations of laws and regulations; to supervise and manage the operation order of the foreign exchange market and provide policy suggestions to SAFE; and to undertake other matters assigned by SAFE. The Beijing Branch consists of five functional offices, including the Foreign Exchange General Business Office, the International Balance of Payments Office, the Current Account Control Office, the Capital Account Control Office and the Foreign Exchange Inspection Office.



The official website of Beijing Branch publishes the administrative licensing guidelines for current account, capital account and international receipts and payments. The public can visit the "Business Guide" column of the official website of Beijing Branch to browse and download the administrative licensing guidelines, the form templates and the flow charts for specific administrative licensing matters. The main matters handled by Beijing Branch and the website of guidelines are listed in the following table:

Matters Classification	Administrative License Item Code	Name of Administrative License Item
Current Account Items	00017110100Y	Approval for Enterprise Engaged in Current Account Receipts and Payments
	00017110200Y	Approval for Specific Current Account Receipts and Payments Business
	00017110300Y	Approval for Deposit of Current Account Foreign Exchange Abroad
	00017110600Y	Approval for the Withdrawal, Outbound Carrying and Cross-Border Transfer of Foreign Currency Cash
	00017111200Y	Approval for the Operation or Termination of Foreign Exchange Settlement and Sale Business
	00017111300Y	Approval for the Operation and Termination of Foreign Exchange Business Other Than Settlement and Sale of Foreign Exchange by Non-Bank Financial Institutions
	Guideline Website: <a href="https://www.safe.gov.cn/beijing/2024/0329/2353.html">https://www.safe.gov.cn/beijing/2024/0329/2353.html</a>	
Capital Account Items	00017110400Y	Approval for Foreign Exchange Registration Under Overseas Direct Investment
	00017110500Y	Approval for Foreign Exchange Registration Under Domestic Direct Investment



Matters Classification	Administrative License Item Code	Name of Administrative License Item
Capital Account Items	00017110700Y	Approval for Cross-Border Securities and Derivatives Foreign Exchange Business
	00017110800Y	Approval for Foreign Debt and Cross-Border Guarantees of Domestic Institutions
	00017110900Y	Approval for Foreign Claims of Domestic Institutions (Excluding Banking Financial Institutions)
	00017111000Y	Approval for Settlement of Capital Account Foreign Exchange Funds
	00017111100Y	Approval for Purchase and Payment of Capital Account Foreign Exchange Funds
	00017111200Y	Approval for the Operation or Termination of Foreign Exchange Settlement and Sale Business
	00017111300Y	Approval for the Operation and Termination of Foreign Exchange Business Other Than Settlement and Sale of Foreign Exchange by Non-Bank Financial Institutions
	00017111400Y	Approval for Financial Institutions to Convert between RMB and Foreign Currency
	Guideline Website: <a href="https://www.safe.gov.cn/beijing/2024/0329/2349.html">https://www.safe.gov.cn/beijing/2024/0329/2349.html</a>	
International Receipts and Payments	00017110600Y	Approval for the Withdrawal, Outbound Carrying and Cross-Border Transfer of Foreign Currency Cash
	00017111200Y	Approval for the Operation or Termination of Foreign Exchange Settlement and Sale Business

Matters Classification	Administrative License Item Code	Name of Administrative License Item
International Receipts and Payments	00017111400Y	Approval for Financial Institutions to Convert between RMB and Foreign Currency
	Guideline Website: <a href="https://www.safe.gov.cn/beijing/2024/0329/2354.html">https://www.safe.gov.cn/beijing/2024/0329/2354.html</a>	

### 3.2.2 Matters Handled by SAFE Zhongguancun Branch

The Zhongguancun National Innovation Demonstration Zone Sub-branch of SAFE officially began operations on March 2, 2015. On August 18, 2023, the Zhongguancun National Innovation Demonstration Zone Sub-branch of SAFE was renamed as Zhongguancun National Innovation Demonstration Zone Branch of SAFE ("Zhongguancun Branch"). The Zhongguancun Branch serves high-tech enterprises within the Zhongguancun National Innovation Demonstration Zone, with the specific list of eligible enterprises determined by the Administrative Committee of Zhongguancun.

Access to the Enterprise Directory of the above-mentioned enterprises: Visit the "Beijing Municipal Science & Technology Commission, and Administrative Committee of Zhongguancun Science Park" website (<http://kw.beijing.gov.cn>) → Homepage → Government Information Disclosure → Data Release → Demonstration Zone Data → Enterprise Directory.

Scope of Matters Handled by Zhongguancun Branch: The Zhongguancun Branch is responsible for accepting and approving administrative license applications under both the current account and capital account categories. Detailed information about the matters handled can be found on the official website of the Beijing Branch (<https://www.safe.gov.cn/beijing/>). If the applicant falls within the scope of the Zhongguancun Branch and the type of business being applied for is within the Zhongguancun Branch's jurisdiction, please visit the Zhongguancun Branch to process the relevant business.

### 3.3 Directory of Service Offices in Beijing

#### 3.3.1 Contact Information for SAFE Beijing Branch

Office Address: 9th and 10th Floors, Xijin Building, No.39, Lianhuachi East Road, Haidian District, Beijing, 100036.

Service Hours: Monday to Friday (excluding legal holidays), 8:30 AM to 11:30 AM, and 1:00 PM to 5:00 PM.

Consultation Phone number: To adhere to the "people-centered" development philosophy and facilitate business consultations for enterprises, banks and individuals, the Beijing Branch of the People's Bank of China (SAFE Beijing Branch) has established a Business Consultation Call Center. Since January 2, 2019, a unified business consultation phone line has been available. For consultations related to the People's Bank of China or foreign exchange-related matters in Beijing, please call 010-68559550.

Consultation Windows: Windows 11-14 - the Foreign Exchange Current Account Control Department; Windows 1-4 and 7-10 - the Capital Account Control Department; Windows 11-14 - the International Receipts and Payments Department.

Consultation Website: <http://www.safe.gov.cn/beijing> (input inquiries and wait for answers).

#### 3.3.2 Contact Information for SAFE Zhongguancun Branch

Service Hall Address: Room 102, Southwest Side, 1st Floor, Zhongguancun Financial Building, No. 6, Danleng Street, Haidian District, Beijing.

Service Hours: 9:00 AM to 11:30 AM, and 1:00 PM to 5:00 PM on working days.

Contact Phone number: 010-68559550.

## III . International Trade Related Services

### 1. China Import and Export Trade Compliance and Market Access

#### 1.1 Overview

China has gradually established a comprehensive and systematic legal and regulatory framework for the development of import and export trade and international economic cooperation. This framework covers all aspects, from the signing of trade contracts, goods declaration, inspection and quarantine, customs duties collection, to subsequent supervision, ensuring the legality, compliance, and predictability of import and export trade.

Since China's accession to the World Trade Organization ("WTO") in 2001, keeping pace with the developments in international rules-based trading system and to answer the changing nature of global competition, China has continuously adjusted its import and export trade laws and policies. It has done so with a view to ensure that such laws and policies comply with WTO rules, maintain fair trade, enhance transparency, eliminate discriminatory practices, and promote the development of the international trade and cooperation.

#### 1.2 Import and Export Trade Laws and Regulations

##### 1.2.1 Foreign Trade Law of the People's Republic of China

The *Foreign Trade Law of the People's Republic of China* ("Foreign Trade Law") stipulates the basic principles and systems of operating international trade activities, including: the rights and obligations of international trade operators; the import and export of goods and technology; international trade in services; foreign trade order, relief, and promotion; legal obligations, and etc. The Foreign Trade Law emphasizes China's commitment to maintaining free and fair international trade and sets out China's regime for international trade investigation and relief measures, including anti-dumping, countervailing and safeguard measures.

### **1.2.2 Customs Law of the People's Republic of China**

The *Customs Law of the People's Republic of China* ("*Customs Law*") establishes the supervisory and management responsibilities of the General Administration of Customs of the People's Republic of China ("GACC") in terms of border entry and exit. It also clarifies the basic rights and requirements that apply to the GACC's operations, including its inspection of incoming and outgoing means of transport and goods, and its review and copying of relevant contracts, invoices and other documents.

### **1.2.3 Import and Export of Goods**

Unless otherwise provided by law, the import and export of goods is automatically licensed, and the consignee or consignor can apply for automatic licensing before handling the customs declaration procedures.

To standardize the declaration for import and export goods, the GACC has promulgated the *Provisions of the General Administration of Customs of the People's Republic of China on Declaration of Import and Export Goods* ("*Declaration Regulations*"). The regulations apply to the declarations made by the consignors or consignees of various import and export of goods or by their entrusted customs brokers. The regulations clarify the form of the import and export of goods declaration (including both electronic declaration and paper declaration forms), declaration requirements, special declaration situations, declaration documents, and penalty measures for violations of such regulations. The Declaration Regulations further stipulate that the declaration date is the date when the GACC accepts the declaration data, and emphasize the legal responsibility that declarants have for the truthfulness of their declaration, and as well, set out the methods for handling special situations such as advance declaration and centralized declaration.

### **1.2.4 Technology Import and Export**

"Technology import and export" refers to the activity of transferring technology from outside China to within China, or from within China to outside China, through trade, investment, or economic and technical cooperation.

The State Council of the People's Republic of China promulgated the *Regulations on the Administration of Technology Import and Export of the People's Republic of China* ("*Technology Import and Export Regulations*") in December 2001. The State Council further revised the regulations in 2011 and 2019 to strengthen the regulations on various forms of technology import and export activities, including patent rights transfer, patent application rights transfer, patent implementation licenses, technology transfer, technical services, and so on. In November 2020, the regulations were revised for the 3rd time, deleting the provision of the original Article 22 ("To establish a foreign-invested enterprise, where the

foreign party uses technology as investment means, the import of the technology shall be examined or registered in accordance with the procedures for the approval of the establishment of foreign-invested enterprises").

According to the *Technology Import and Export Regulations*, technology import and export can be divided into three categories: permitted, restricted, and prohibited. The permitted category of technology is only subject to post-contract registration and record-filing, while the restricted category requires an application for a license.

The *Catalogue of Prohibited and Restricted Technologies for Export from China* and the *Catalogue of Prohibited and Restricted Technologies for Import into China* detail the lists of items that are prohibited and restricted for export and import, respectively.

### 1.2.5 International Trade in Service

The *Foreign Trade Law* clearly stipulates the basic principles that should be adhered to in international trade in service, including: fair and free trade, equality and mutual benefit, most-favored-nation treatment, and national treatment, as well as various exceptions and prohibitions.

In addition, the business operators shall also pay attention to the global and regional service trade treaties to which China has acceded. These treaties include the WTO's *General Agreement on Trade in Services (GATS)*, the *Agreement on Trade in Services of the Framework Agreement on Comprehensive Economic Co-Operation Between the People's Republic of China and the Association of Southeast Asian Nations*, and the *Regional Comprehensive Economic Partnership (RCEP)* acceded to by ASEAN's ten member countries, plus China, Japan, South Korea and etc.

### 1.2.6 Trade Remedy Investigations

As mentioned above, to promote the orderly development and fair competition of import and export trade, China has promulgated various trade remedy investigation regulations such as *Anti-dumping Regulations of the People's Republic of China*, *Anti-subsidy Regulations of the People's Republic of China* and *Regulations of the People's Republic of China on Safeguard*.

## 1.3 Export Control

"Export control" refers to the application of prohibitive or restrictive measures to the transfer of controlled items from within the People's Republic of China to the outside, and to the provision of controlled items to foreign organizations and individuals by Chinese



citizens, legal persons and unincorporated organizations.

The *Export Control Law of the People's Republic of China* applies to the export control of dual-use items, military items, nuclear items and other items related to national security and national interests, and to the fulfillment of international obligations such as non-proliferation.

"Dual-use items" refer to the items that have both civilian and military uses, or contribute to enhancing military potential, especially the goods, technologies, and services that can be used for the design, development, production, or use of weapons of mass destruction and the delivery vehicles. "Military items" refer to the equipment, specialized production equipment, and other related goods, technologies, and services used for military purposes. Finally, "nuclear items" refer to nuclear materials, nuclear equipment, non-nuclear materials for reactor use, and related technologies and services.

China enforces a licensing system for the export of controlled items and has established an export control list of controlled items or temporary controlled items. Export operators must apply for permission from the national export control management department. At the same time, China implements a risk management system for the end users and end uses of controlled items, and evaluates and verifies the end users and end uses of controlled items.

#### 1.4 Unreliable Entity List Regulations

The Ministry of Commerce issued the *Regulation on the Unreliable Entity List* on September 19, 2020, which apply to foreign entities (including foreign enterprises, other organizations or individuals) that endanger national sovereignty, security or development interests, violate normal trading principles, interrupt normal transactions with Chinese enterprises, other organizations or individuals, take discriminatory measures against them and seriously endanger their legitimate rights and interests. Relevant measures applied to such foreign entities include restricting or prohibiting their investment and import or export activities related to China.

#### 1.5 Legal Provision Concerning Food Import and Export

The GACC's *Administrative Measures for the Safety of Imported and Exported Foods*

of the People's Republic of China apply to: (1) import and export food production and business activities; (2) customs supervision and management of import and export food producers and operators and their import and export food safety.

GACC supervises and manages food import and export. This includes the matters such as the record-filing processes for planting and breeding farms of raw materials, for the food production enterprises, for the enterprise inspection, document review, on-site inspection, and the supervision of sampling examination.

Imported foods must comply with Chinese laws and regulations, in particular the national food safety standards. GACC has implemented an assessment process for imported foods, including the assessment of foreign food safety management systems, registration of foreign food production enterprises, and record-filing requirements for importers and exporters.

Finally, food production export enterprises must ensure that their exported foods comply with the standards of the importing jurisdictions or the contract requirements or with China's national food safety standards.

## 1.6 Processing Trade Activities

The GACC promulgated *Regulatory Measures of the Customs of the People's Republic of China for the Goods under Processing Trade* in March 2014 and has since then revised it for five times. The regulations apply to the set-up of the processing trade manual, the relevant import and export declarations, processing, supervision, and verification procedures.

"Processing trade" refers to imports of all or a part of the raw materials, auxiliary materials, components, packaging materials, and etc. for processing or assembling a designated product in China for purposes of re-exporting. This includes both the processing involving the overseas customer's supplied materials and the processing with imported materials purchased by the domestic Chinese processing operators.

The State provides detailed provisions for tax exemption and/or tax refund/drawback for the two types of processing activities. The relevant enterprises may handle the matters of export tax exemption and refund according to their actual business situations.

## 2. Cross-border E-commerce Administration and Services

### 2.1 Overview of the Cross-border E-commerce Regulatory System

Cross-border e-commerce can be divided into the import cross-border E-commerce and the export cross-border E-commerce according to the source and origin of the goods and services sold. Cross-border E-commerce business operators mainly include domestic and foreign cross-border E-commerce platforms, cross-border E-commerce enterprises, payment channel enterprises and logistics enterprises.

Cross-border E-commerce carried out in China will be subject to the administration of the Customs regulatory authorities, the market supervision authorities, the postal administration authorities, the People's Bank of China, the tax authorities and other relevant authorities according to the specific business carried out.

#### 2.1.1 Import Cross-border E-commerce

The "import cross-border E-commerce" refers to the business activities of importing goods or services from abroad and selling goods or providing services in China through E-commerce. The import of cross-border E-commerce shall comply with the *E-Commerce Law*, the *Customs Law*, the *Notice on Improving the Supervision of Cross-border E-commerce Retail Imports* (Shang Cai Fa [2018] No. 486), the *Announcement on Regulatory Matters Concerning the Retail Commodities Import and Export via Cross-border E-commerce* (GACC Announcement No. 194 of 2018), and the *Measures for the Supervision and Administration of Online Transactions* (Order of the State Administration for Market Regulation No.37 of 2021), as well as the *Trademark Law*, the *Patent Law*, the *Anti-Unfair Competition Law*, the *Personal Information Protection Law* and other laws and regulations related to domestic E-commerce.

#### 2.1.2 Export Cross-border E-commerce

The "export cross-border E-commerce" refers to the business activities of exporting goods or services to abroad and selling goods or providing services abroad through E-commerce. In addition to complying with relevant Chinese laws and regulations, the export cross-border E-commerce requires special attention on relevant overseas laws and regulations so as to reduce the risk of violations and infringements.

## 2.2 Cross-border E-commerce Legal Services

Beijing lawyers provide cross-border E-commerce related legal services, including but not limited to domestic and foreign E-commerce structuring, E-commerce compliance, import and export compliance, data security compliance, intellectual property protection, cross-border dispute resolution, and etc.

## 3. Customs Supervision and Services

China Customs is the national authority responsible for the supervision and control of goods and travelers entering and exiting the country. According to the *Customs Law*, the State Council establishes the General Administration of Customs of the People's Republic of China (GACC), which oversees customs operations nationwide. Customs offices are set up at ports open to the outside and at locations where customs supervision is concentratedly performed. The customs system operates under a vertical leadership structure, with its organizational setup not being restricted by the administrative area divisions. The customs system is divided into three levels: the GACC, the directly managed regional customs offices, and the subordinate customs offices.

The main responsibilities of China Customs include customs supervision, collection of import and export taxes and duties, entry-exit health quarantine, inspection and quarantine for imported and exported animals, plants and their products, commodity inspection, customs risk management, customs trade statistics, anti-smuggling crime, and etc.

### 3.1 Registration of Overseas Production Enterprises for Imported Food

Overseas production, processing, and storage enterprises that export food to China shall apply for registration with the GACC with the assistance of professional lawyers. The registration can be done either on the recommendation of the appropriate authorities of the exporting country (or region) or through the enterprise's own application, depending on the types of foods being exported. Overseas production enterprises producing the

specific 18 types of foods, including meat and meat products, shall be registered with the GACC on the recommendation of the appropriate authority of the country or region.

### 3.2 Advance Rulings of Import and Export Commodities

Before the actual import or export of the goods, the applicants can apply to China Customs for advance rulings regarding the commodity classification, origin or origin qualification, or the relevant elements and appraisal methods for the customs value of the goods.

This allows the applicants to have clear predictions on relevant matters of intended import and export of goods, improves the accuracy of declarations and avoids legal risks associated with tax disputes and penalties.

### 3.3 China Customs AEO (Authorized Economic Operator) Certification

Import and export enterprises that meet the criteria for internal control, financial status, compliance with laws and regulations, and as well trade security, among others, as outlined in the *"Customs Standards for AEO"*, and after passing the on-site verification by China Customs, can obtain the AEO certification.

According to relevant international treaties, agreements, and the *"Measures for the Administration of Enterprise Credit Registration and Record-filing of the People's Republic of China Customs"*, China Customs has launched mutual recognition cooperation of AEO with the customs authorities of 54 countries or regions, offering benefits such as lower inspection frequency, reduced audit and verification frequency, priority of clearance procedures of import and export of goods, and preferential treatment for voluntary disclosure of violations.

### 3.4 Customs Audit and Verification

China Customs may conduct audits within three years from the release of imported and exported goods, or within three years after the supervision period for bonded goods and imported goods enjoying duty reduction or exemption. Customs audits may involve

the audits of accounting books, accounting vouchers, customs declaration documents, other relevant documentation and the imported and exported goods. If violations of customs regulations are discovered during the audit, the customs authority will handle the matter according to the *Customs Law* and the *Customs Administrative Penalties Implementation Regulations of the People's Republic of China* ("*Customs Administrative Penalties Implementation Regulations*"). In cases where smuggling activities are identified as crimes, criminal responsibilities shall be pursued in accordance with the law; in cases where smuggling activities are not identified as crimes, they should be handled in accordance with the provisions of the *Customs Law* and the *Customs Administrative Penalties Implementation Regulations*.

Customs can also conduct verifications and supervise the authenticity and legality of import and export activities of relevant enterprises based on the specific types of import and export of goods and the risk level of related enterprises.

### 3.5 Administrative Penalties by Customs

For the smuggling activities not subject to criminal liabilities but violates the customs supervision provisions, and for the activities violating the administrative management provisions of Customs, China Customs will handle these activities according to the relevant provisions of the *Customs Administrative Penalties Implementation Regulations*.

Legal services provided by lawyers for import and export enterprises include handling customs investigations, audits and verifications, resolving tax and penalty disputes, guiding enterprises in declaring royalties and assisting in legal tax planning such as transfer pricing in international trade; dealing with administrative reconsideration review of the duty disputes and administrative penalties; providing defense of criminal smuggling cases; providing daily customs clearance consultation, cross-border trade planning and consultation, intellectual property customs protection consultation and dispute resolution; providing enterprise trade compliance review and legal risk prevention and control; assisting enterprises in preparing transfer pricing contemporary data and customs valuation reports; guiding for customs AEO application, and etc.



### 3.6 Voluntary Disclosure of Violations in Import and Export Trade

Import and export enterprises that discover underpaid or unpaid taxes or other violations of customs regulations during self-inspections may voluntarily report these issues to the China Customs and accept customs processing accordingly. The customs authority may reduce or waive administrative penalties for enterprises that voluntarily disclose such violations. Customs voluntary disclosure is a fault-tolerant mechanism that provides a convenient channel for import and export enterprises to conduct self-inspection, self-correction and compliance with the law for minor violations. It allows them to actively correct mistakes and encourages their voluntary compliance. Enterprises may entrust lawyers to declare voluntary disclosure to the customs authority, and try to get a result of no penalties or reduced penalties.

### 3.7 Dispute Resolution and Legal Remedies with Customs

If import and export enterprises or entry-exit individuals believe that administrative actions taken by China Customs or its officials in the exercise of their administrative powers are illegal or improper, which infringe upon their legal rights, and therefore generate disputes, they may file an administrative reconsideration review application with the higher-level customs authority within the legally prescribed time limit. The customs reconsideration authority shall review the legality and appropriateness of the administrative actions applied for reconsideration, and shall make a reconsideration decision. If dissatisfied with the administrative reconsideration review decision, the parties may file an administrative lawsuit with the court within the legally prescribed time limit after the completion of the reconsideration review procedure, or may resolve disputes directly through an administrative lawsuit without applying for administrative reconsideration review (except for tax disputes, which are subject to reconsideration review first).

### 3.8 Handling of Smuggling Cases and Criminal Defense

China Customs treats activities that violate customs laws and regulations, evade customs supervision, evade due taxes, or evade entry-exit prohibitive or restrictive management as smuggling. The targets of smuggling include goods and articles subject to customs duties and taxes for imported goods, such as agricultural products, electronics, cosmetics, and as well prohibited or restricted items like weapons, ammunition, drugs and wildlife. In the cases where the smuggling amount or circumstances are serious enough to meet the criminal prosecution standards, they will be identified as smuggling crimes.

Import and export enterprises or related responsible individuals suspected of smuggling crimes may face severe criminal charges and bear punishment consequences such as imprisonment and property penalties. Parties involved may entrust professional lawyers to provide criminal defense legal services to safeguard their legitimate rights and interests.

### 3.9 Relevant Customs Offices and Contact Information

Level	Institution Name	Contact Information
Country	General Administration of Customs of the People's Republic of China (GACC)	Address: No.6, Jianguomen Inner Street, Dongcheng District, Beijing Tel.: 010-12360
Beijing	Beijing Customs	Address: No. A-10, Guanghua Road, Chaoyang District, Beijing Tel.: 010-85736114
Port Customs	Capital Airport Customs	Address: No.8, Airport North Street, Shunyi District, Beijing Tel.:010-64563830
	Beijing Daxing International Airport Customs	Address: No.1 Hangxing Road, Lixian Town, Daxing District, Beijing Tel.:010-81319123

Level	Institution Name	Contact Information
Port Customs	Beijing Station Customs	Address: Floor 2, West Lobby, Huaxia Mingzhu Hotel, No.120-1, Lianhuachi East Road, Fengtai District, Beijing Tel.: 010-85735650
Subordinate Customs Undertaking Specific Functions	Zhongguancun Customs (Centralized review of certificate of origin and some tax reduction and exemption matters in Beijing Area)	Addresses:  Headquarters: Floor 1, Customs Declaration Hall, Zhongguancun Customs, No.59, Zhichun Road, Haidian District, Beijing;  Origin Management Department: Floor 1, Customs Declaration Hall, Building C, Yuhui Building, No. 73, Fucheng Road, Haidian District, Beijing Tel.: 010-85735012
	Beijing Dongcheng Customs (Special Audit in Beijing Customs Area)	Address: No.6, Tianshuiyuan Street, Chaoyang District, Beijing Tel.: 010-81318834
	Beijing Xicheng Customs (Centralized review of processing trading in Beijing Customs Area)	Address: No.59, Zhichun Road, Haidian District, Beijing Tel.: 010-85735070
Other Subordinate Customs	Beijing Chaoyang Customs	Address: No.A-1, East Fourth Ring South Road, Chaoyang District, Beijing Tel.: 010-85735416
	Haidian Customs	Address: No.10, Dezheng Road, Haidian District, Beijing Tel.: 010-62730180
	Tongzhou Customs	Address: No.2, Tuqiao Xinqiao, Tongzhou District, Beijing Tel.: 010-69578059

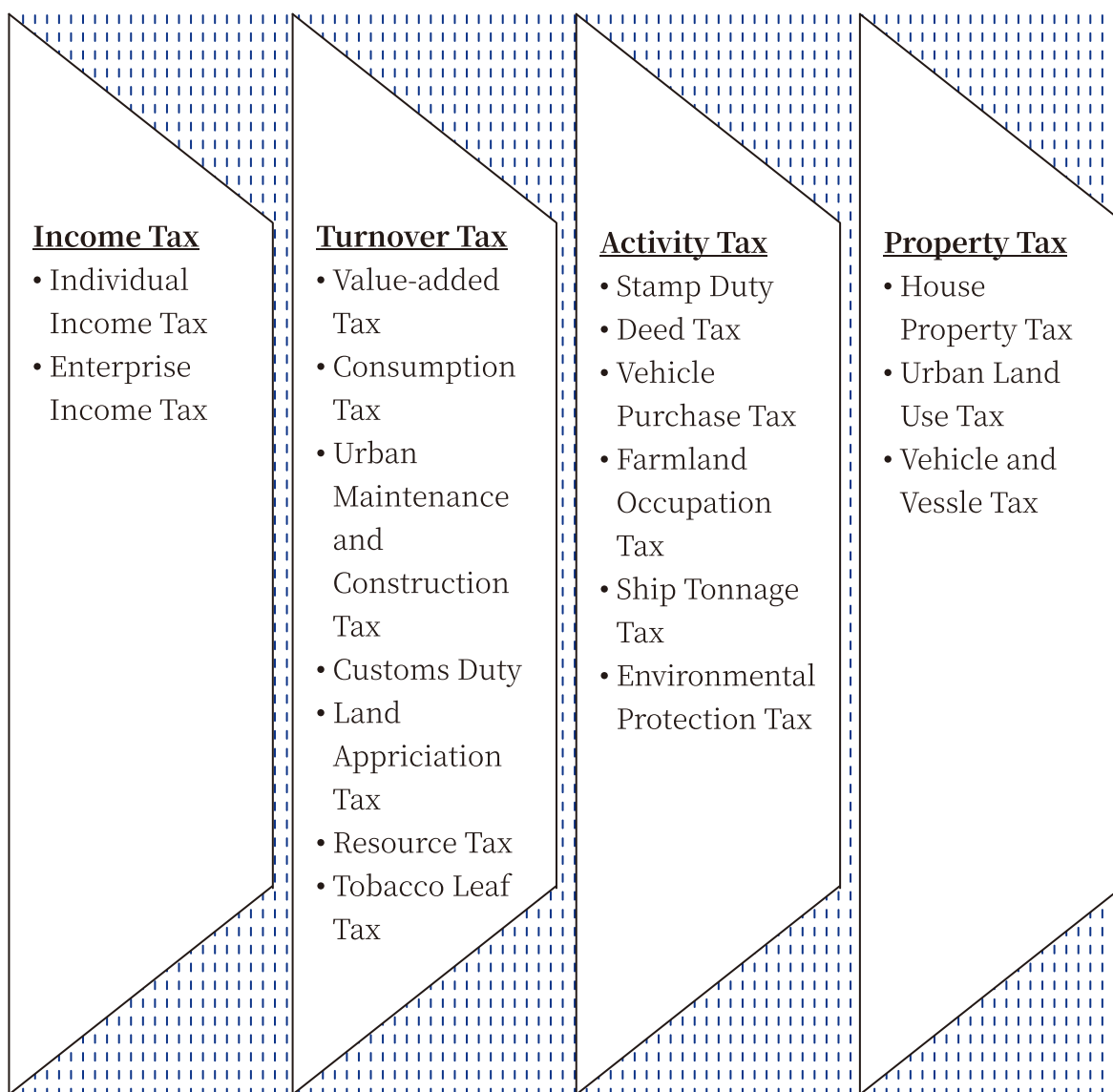
Level	Institution Name	Contact Information
Other Subordinate Customs	Shunyi Customs	Address: No.2, Airport East Road, Shunyi District, Beijing Tel.: 010-85735388
	Tianzhu Customs	Address: Building 1, Courtyard 1, Jinhang Middle Road, Shunyi District, Beijing Tel.: 010-85732051
	Pinggu Customs	Address: Joint Inspection Building, East Zone, Mafang Logistics Base, Pinggu District, Beijing Tel.: 010-85735904
	Fengtai Customs	Address: No.259, Wulidian, Fengtai District, Beijing Tel.: 010-85734315
	Yizhuang Customs	Address: No.14, Ronghua Middle Road, Beijing Economic-Technological Development Area Tel.: 010-67887353
	Beijing Post Office Customs	Address: No.50, Guanghua Road, Chaoyang District, Beijing Tel.: 010-85735514
	Beijing Exhibition Center Customs	Address: No.18, East Fourth Ring Middle Road, Chaoyang District, Beijing Tel.: 010-85735614

## 4. Tax Administration and Services

This section covers not only the international trade tax matters, but also the tax matters related to foreign investment and doing business in China.

### 4.1 Overview of Taxes in China

China currently has 18 types of taxes. There are different classification methods of the taxes. Among them, according to certain classification methods, the taxes can be divided into the following 4-group categories:



The following table describes some main types of taxes and their taxable items, tax basis and tax rates:

Tax Types	Taxable Items, Tax Basis and Tax Rates
<b>Enterprise Income Tax</b>	<ul style="list-style-type: none"> <li>• <b>Taxable items:</b> general business income, property transfer income, dividends, interests, royalties, and other income;</li> <li>• <b>Tax rates:</b> Resident enterprises: 25% or preferential tax rates (some items enjoy tax reduction and exemption treatment); Non-resident enterprises: usually 10%.</li> </ul>
<b>Individual Income Tax</b>	<ul style="list-style-type: none"> <li>• <b>Taxable items and tax rates:</b> Comprehensive income (wages and salaries, remuneration for labor, remuneration for writing, royalties, 3%~45%), income from property transfer (capital gains, 20% or exempted according to tax treaty/arrangement), dividends (20% or subject to tax preferential treatment according to tax treaty/arrangement, such as 10% tax rate), business operation income (5%~35%, and for individual partners of domestic partnerships, dividend income and interest income are subject to a separate 20% tax rate), and others.</li> </ul>
<b>Value-added Tax (VAT)</b>	<ul style="list-style-type: none"> <li>• <b>Basis for tax calculation:</b> Tax payable under general tax calculation method = output tax for the current period - input tax [among them, output tax = sales amount <math>\times</math> tax rate]; Tax payable under simple tax calculation method = sales amount <math>\times</math> levy rate; There are special rules on the sales amount determination of real estates and financial commodities;</li> <li>• <b>Usual tax rates/levy rate:</b> general taxpayers (6%, 9%, 13%), small-scale taxpayers (3%), foreign taxpayers (6%).</li> </ul>
<b>Urban Maintenance and Construction Tax (UMCT)</b>	<ul style="list-style-type: none"> <li>• <b>Tax basis:</b> VAT and Consumption Tax paid;</li> <li>• <b>Tax rates:</b> 1%, 5%, 7% (starting from September 1, 2021, the VAT paid by overseas entities (persons) for selling services and intangible assets into China shall no longer be levied UMCT).</li> </ul>
<b>Stamp Duty</b>	<ul style="list-style-type: none"> <li>• <b>Tax basis:</b> the amount contained in the taxable documents (such as contracts, property transfer documents, accounting books, securities transactions);</li> <li>• <b>Usual tax rates:</b> 0.3‰ (sales contracts), 0.5‰ (transfer of equity shares of unlisted companies), 0.25 ‰ (increased amount of "paid-in capital" and "capital reserve" in the capital accounting book), 1‰ (transfer of equity shares of listed companies), and others.</li> </ul>



## 4.2 Tax Authorities and Customs Offices

The tax administration of China is divided into 2 parts: domestic taxes and import & export taxes.

Among them, domestic taxes mainly involve income taxes, domestic VAT, domestic consumption tax, UMCT, stamp duty, and etc., which are collected and managed by the State Administration of Taxation (the "SAT") and its subordinate institutions (the SAT and its sub-level tax authorities are collectively referred to as "Tax Authorities"). Tax Authorities are also responsible for the export tax refund matters.

Domestic tax matters mainly include: tax registration, official invoice (Fapiao) supervision, tax declaration and payment, taxation credit rating, tax-related information inquiry, tax inspection (tax audit) and etc.

Import & export taxes mainly involve import tariff (customs duty), export tariff (customs duty), import VAT and import consumption tax.

Among them, the import and export tariffs (customs duties) are collected by the customs offices, and the import VAT and import consumption tax are collected by the customs offices on behalf of the Taxation Authorities.

Regarding the import and export commodities advanced-ruling, customs inspection and verification, customs administrative punishment, customs dispute resolution and right relief, please refer to the relevant contents in the preceding section "3. Customs Supervision and Services".

## 4.3 Taxpayers and Withholding Agents of Enterprise Income Tax

### 4.3.1 Resident Enterprises (full tax liability / global tax liability):

▷ Definition: enterprises legally established in China or established in accordance with the laws of foreign countries (regions) but with their effective management organs in China.

▷ Tax liability: need to pay enterprise income tax on the income derived from sources inside and outside the PRC.

▷ Effective management organ: refers to the organs that exercises substantive and overall management and control over the production and operation, personnel, accounting and property of an enterprise.

### 4.3.2 Non-resident Enterprises (limited tax liability):

▷ Definition: an enterprise established in accordance with the laws of a foreign country (region) whose effective management organ is not within the territory of China but has an institution or place of business operation within the territory of China ("China business place"), or an enterprise which does not have a China business place but has income derived from sources within the territory of China.

▷ Tax liability:

○ **Scenario A** - Where a China business place is constituted, enterprise income tax [at 25% tax rate] shall be paid on the income derived from China business place within the territory of the PRC and the income derived outside the territory of the PRC which has effective connection with the China business place.

○ **Scenario B** - Where there is no China business place within the territory of the PRC, or where the income derived has no effective connection with the China business place, enterprise income tax [usually at 10% tax rate] shall be paid on the income derived from sources within the territory of China.

▷ Withholding Agent:

○ Withholding at source: where a non-resident enterprise obtains income in the foregoing Scenario B, the income tax payable shall be withheld at source and the payer shall be the withholding agent.

○ Special rules - Designated Withholding: Tax Authorities may designate the payer of the project price or working fee as the withholding agent for the income tax payable for a non-resident enterprise on the income derived from engineering project operation or laboring services within the territory of China [this may be applicable under the foregoing Scenario A (when constituting a China business place or a permanent establishment under tax treaty) or Scenario B (when no China business place or permanent establishment is constituted in China)].

## 4.4 Non-resident Taxpayers and Withholding Agents of VAT

▷ Non-residents which are engaged in taxable activities within the territory of China and set up business operation institutions within the territory of China shall declare and pay VAT on their own.

▷ Where a non-resident commits taxable activities within the territory of China but has not established a business operation institution within the territory of China, its

business agent shall be the VAT withholding agent; however, if there is no such agent, the contract-offering party, the receiver or the buyer of the laboring services shall be the VAT withholding agent.

#### 4.5 Statute of Limitation for Assessing Tax

Types of Statute of Limitation	Specific Rules
<b>General rules</b>	<p>Tax Authorities shall not require the taxpayer to pay tax after the period of Statute of Limitation has expired.</p> <p>There are 3 types of Statute of Limitation periods:</p> <ul style="list-style-type: none"> <li>• 3 years (for the non-payment/underpayment due to the reason of Tax Authorities);</li> <li>• 3 years or 5 years (for the non-payment/underpayment due to mistakes of taxpayers and withholding agents);</li> <li>• Indefinitely (for the tax evasion, refusal to pay tax, and tax fraud).</li> </ul>
<b>Rules for special tax adjustment</b>	<p>Tax Authorities have the right to make tax adjustments within 10 years from the tax year in which the relevant business occurs:</p> <ul style="list-style-type: none"> <li>• For the business transactions between the enterprise and its affiliates that do not conform to the principle of arm's length transaction;</li> <li>• For other arrangements implemented by the enterprise that do not have reasonable commercial purposes.</li> </ul>
<b>Rules for tax administrative penalty</b>	<p>If it is not found within 5 years, administrative penalty shall no longer be imposed:</p> <ul style="list-style-type: none"> <li>• For the activities that violate tax laws and administrative regulations that shall be subject to administrative penalties.</li> </ul>

#### 4.6 Tax Inspection and Tax Audit

▷ **Tax inspection:** refers to the inspection of taxpayers' taxation situation by the Tax

Authorities through examination of accounting books and vouchers, on-site inspection, request for provision of relevant materials, inquiries of relevant information, bank account inspection and other means.

▷ **Tax audit:** refers to a specialized type of tax inspection which is carried out by the tax audit department of Tax Authorities in accordance with special procedures and regulations.

▷ **Tax Audit Bureau:** specializes in examining and handling the cases of tax evasion, evasion of tax arrears, tax fraud and refusal to pay tax.

▷ **Possible results of a tax audit:**

○ If the taxpayer is found to have violated tax rules, a tax treatment decision shall be made so as to correct the illegal behavior:

— Issue a Tax Treatment Decision.

○ Further, with respect to the tax violation behavior, an administrative penalty decision may be made:

— Issue a Tax Administrative Penalty Decision.

○ Where the tax violation is minor and may not be subject to administrative penalty according to the law:

— Issue a No Tax Administrative Penalty Decision.

○ If the taxpayer is not found to have violated tax rules:

— Issue a Tax Audit Conclusion.

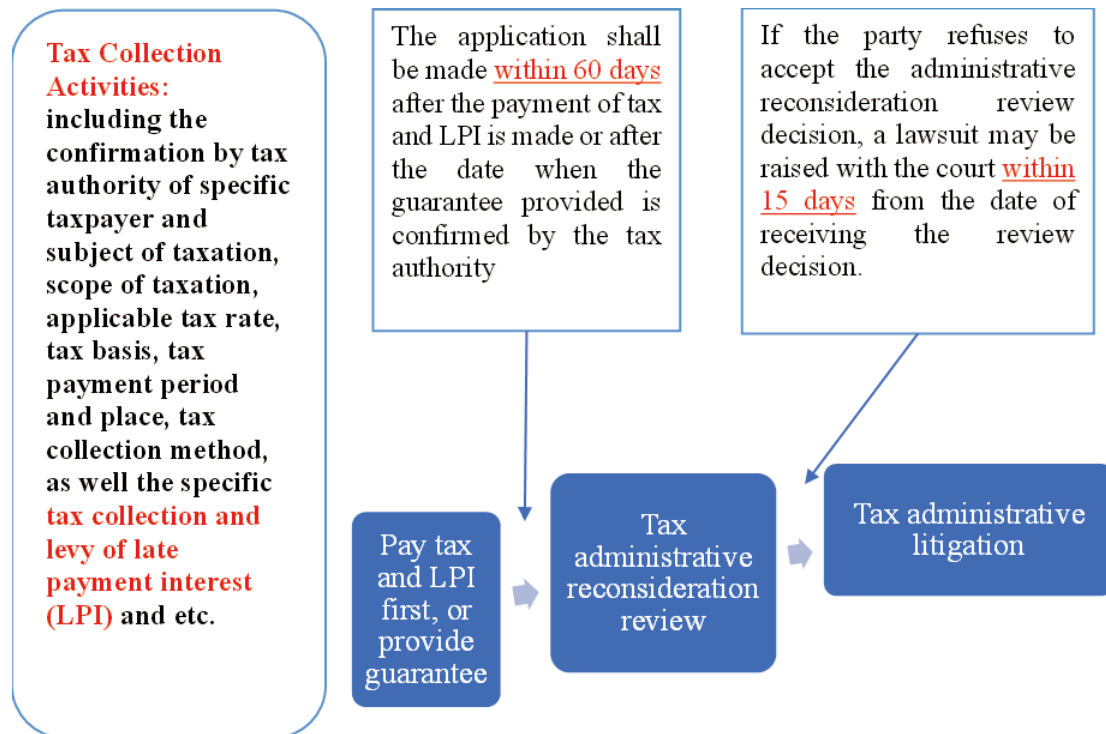
○ If the taxpayer is found to be suspected of a crime:

— Prepare a Transfer of Suspected Criminal Cases, and after being approved by the Director of the Tax Bureau, the case shall be transferred to the public security organ, together with relevant documents.

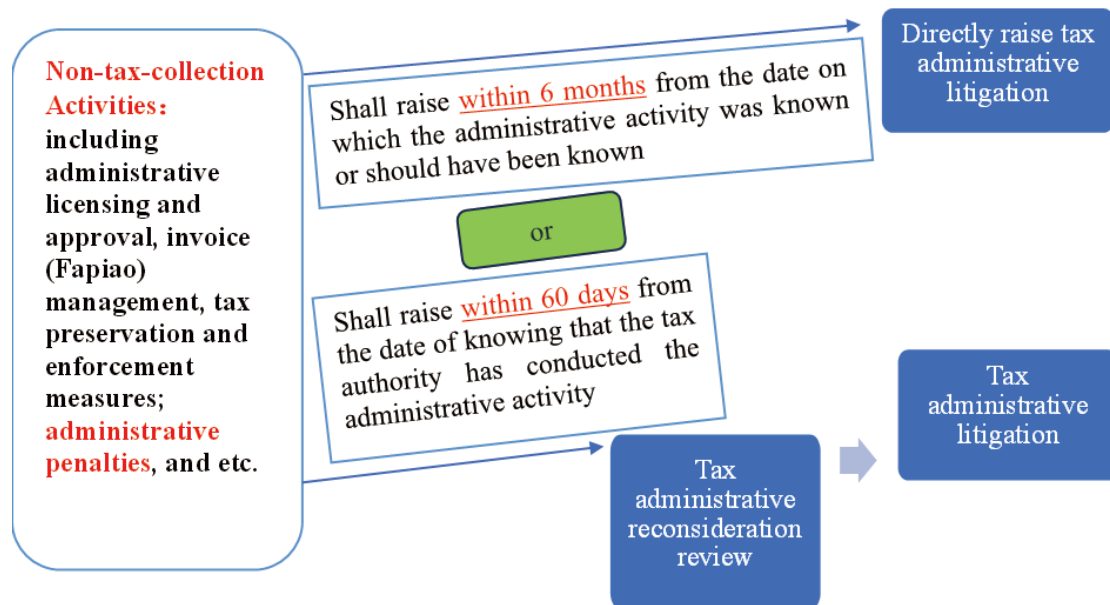
## 4.7

### Tax Administrative Reconsideration Review and Tax Administrative Litigation

**Scenario 1 - administrative reconsideration review procedures shall be first conducted before raising a lawsuit:** for the tax collection activities of the Tax Authorities, the taxpayer shall first apply for an administrative reconsideration review. And an administrative lawsuit may be raised only if the party is not satisfied with the administrative reconsideration review decision.



**Scenario 2 - either an administrative reconsideration review or an administrative litigation may be conducted:** for the non-tax-collection activities of the Tax Authorities, the taxpayer can apply for an administrative reconsideration review or directly raise an administrative litigation against the Tax Authorities.



## 4.8 Export Tax Refund and Exemption

Export tax refund and tax exemption: this is a usually used measure in international trade by relevant countries around the world, with the purpose of encouraging export of domestic goods, to refund or exempt indirect taxes (VAT and consumption tax). Qualified laboring services and other services may also enjoy such preferential tax treatment.

Specifically, in the international trade business, goods (laboring services and other services) exported from China are refunded or exempted VAT and consumption tax which are already paid in the domestic production and circulation cycle according to the tax law. That is to say, the VAT applies zero tax rate for export, and the consumption tax is exempted for export.

Among them, the zero tax rate of VAT for exported goods has 2 tiers of meanings: first, the VAT on the added value of the production and sale of goods in the current business cycle is exempted; second, it is allowed to deduct and refund the input VAT as contained in the previous business cycles as involved in the exported goods.

## 4.9 International Taxation

Foreign-invested enterprises are generally involved in avoiding double taxation, cross-border transfer pricing and related special tax adjustment of income tax.

As of August 2024, the bilateral tax treaties and arrangements signed between China (Mainland) and other countries and regions in respect of income tax are as follows:

- ▷ Tax Treaties: 111 signed, 105 of which have entered into force
- ▷ Tax Arrangements: Hong Kong and Macao (in force)
- ▷ Tax Agreement: Taiwan (not in force yet)
- ▷ Other tax treaties, e.g., Sea Freight and Air Freight special tax treaties

Taking the tax treaty signed between China and Singapore as an example, foreign parties can enjoy the following preferential tax treatment upon satisfying relevant conditions:



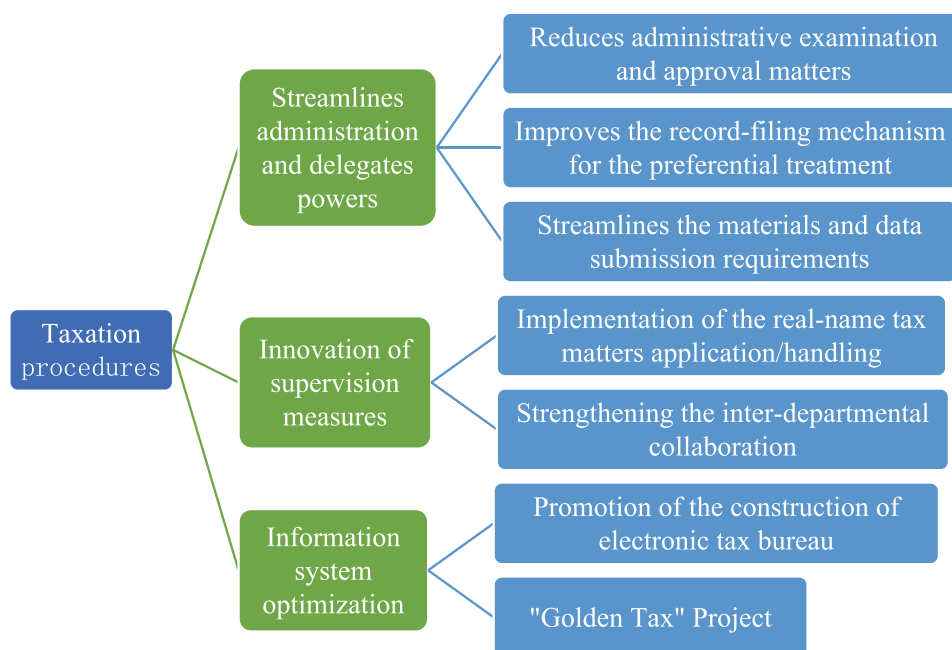
Type of Income	Standard Tax Rate	Preferential Treatment
Royalty	10%	Reduced to 6%
Interest	10%	Reduced to 7%
Dividend	10%	Reduced to 5%
Capital Gain	10%	Only be taxed in Singapore (under certain circumstances)
Business Operating Profit (when no permanent establishment (PE) is constituted)		Only be taxed in Singapore
Business Operating Profit (when a PE is constituted)	25%	Be taxed in China

#### 4.10 Tax Risk Management Suggestions

- ▷ Doing business in compliance with tax laws and regulations is the best way to prevent tax risks;
- ▷ Cooperate internally and cross-functionally to control tax risks and increase tax efficiency;
- ▷ For business involving uncertain tax treatments (due to ambiguity of tax legislation), seek opinions from advisors;
- ▷ Communicate with Tax Authorities carefully and skillfully;
- ▷ Protect legal rights during tax audit procedures as much as possible;
- ▷ Professionally handle tax disputes with the Tax Authorities via the administrative reconsideration review procedures and the administrative litigation procedures.

#### 4.11

### The Optimization of Tax Collection and Administration Procedures in Recent Years



#### 4.12

### Relevant Tax Authorities and Their Contact Information

The address information in the table below is from the website of the Beijing Municipal Tax Bureau and other public information. The telephone information in the table below is from the website of the Beijing Municipal Government and the website of the Beijing Municipal Tax Bureau and other public information.

Level	Institution Name	Contact Information
Country	State Administration of Taxation	Address: No. 5, Yangfangdian West Road, Haidian District, Beijing Tel.: 010-12366
Beijing	Beijing Municipal Tax Bureau	Address: No. 8-10, Chegongzhuang Street, Xicheng District, Beijing Tel.: 010-12366; 010-88371206

Level	Institution Name	Contact Information
Relevant Districts and Areas	Beijing Dongcheng District Tax Bureau	Address: Block 6, Capital Building, No.18, West Binhe Road, Anding Menwai, Dongcheng District Tel.: 010-64515606; 010-64515797
	Beijing Xicheng District Tax Bureau	Address: No. F 33, Erlong Road, Xicheng District Tel.: 010-62268336; 010-66027600
	Beijing Chaoyang District Tax Bureau	Address: No. 1, Zone 3, Anyuan Dongli, Chaoyang District Tel.: 010-87426551; 010-81612366
	Beijing Haidian District Tax Bureau	Address: Shuangyu West Building, Building 1, No.11, Xuzhuang Road, Haidian District Tel.: 010-88192090; 010-88112366
	Beijing Fengtai District Tax Bureau	Address: No. A 6, Niwa Road, Fengtai District Tel.: 010-63829011; 010-83812366
	Beijing Shijingshan District Tax Bureau	Address: Building 2 (Block A, Zhonghai Building), Yard 255, Chengxing Street, Shijingshan District Tel.: 010-53968730; 010-53968613
	Beijing Mentougou District Tax Bureau	Address: No. 4, Longyuan Road, Shilong Industrial Zone, Mentougou District Tel.: 010-69865090; 010-60803707
	Beijing Fangshan District Tax Bureau	Address: No. 9, Zhengtong Road, Gongchen Street, Fangshan District Tel.: 010-81389600; 010-89903066
	Beijing Tongzhou District Tax Bureau	Address: No. 136, Yuqiao Middle Road, Tongzhou District Tel.: 010-81545596

Level	Institution Name	Contact Information
Relevant Districts and Areas	Beijing Shunyi District Tax Bureau	Address: No.7, Fuqian East Street, Shunyi District Tel.: 010-69426901
	Beijing Daxing District Tax Bureau	Address: No. 8, Huangcun West Street, Daxing District Tel.: 010-69242186
	Beijing Changping District Tax Bureau	Address: No. 23, Gulou South Street, Changping District Tel.: 010-81916650; 010-81916600
	Beijing Pinggu District Tax Bureau	Address: No. 198, Gufeng Road, Pinggu District Tel.: 010-69952869
	Beijing Huairou District Tax Bureau	Address: No. 15, Nanhua Street, Huairou District Tel.: 010-69641806; 010-69654574
	Beijing Miyun District Tax Bureau	Address: No. 15, Gulou East Street, Miyun District Tel.: 010-69042376
	Beijing Yanqing District Tax Bureau	Address: No. 4, Qingyuan Street, Yanqing District Tel.: 010-69145640
	Beijing Yanshan Area Tax Bureau	Address: No. 1, Gaojiapo Road, Yanshan Area, Fangshan District Tel.: 010-69341075
	Beijing Economic-Technological Development Area Tax Bureau	Address: No. 4, Longqing Street, Beijing Economic and Technological Development Zone Tel.: 010-67881029; 010-86486958

## IV . Foreign-related Intellectual Property Rights Services

### 1. Development Overview

In recent years, with the promotion of the national the Belt and Road Initiative and the rapid development of cross-border E-commerce, the pace of internationalization of Chinese enterprises has significantly accelerated, and their roles in the global market have also undergone a significant transformation. Chinese enterprises have gradually changed from the traditional status of manufacturers to that of brand owners and developers of new technologies. In this process, the importance of overseas intellectual property rights has become increasingly prominent. Chinese enterprises have made tremendous progress from overseas patent and trademark applications to overseas intellectual property rights defense and litigation, while also facing considerable challenges.

In terms of patents, in 2023, China once again ranked first in the world for international patent applications submitted through the PCT (Patent Cooperation Treaty) route, marking the fifth consecutive year since it first topped the list in 2019. Chinese enterprises have shown a remarkable performance in PCT international patent applications. In 2023, Huawei Technologies Co., Ltd. of China ranked first globally with 6,494 PCT international patent applications.

In the field of trademarks, in 2023, China's international trademark registration applications under the Madrid system reached 5,473, ranking third among all countries. Currently, the proportion of China's international trademark registration applications in the total number of trademark applications by Chinese enterprises is still relatively small and needs to be further improved. The low rate of international registration applications reflects, to a certain extent, the lack of long-term trademark and brand development planning and overseas registration layout awareness among Chinese enterprises, which only complete domestic trademark registration for a limited range of goods and services.

The intellectual property risks encountered by Chinese enterprises overseas mainly include the risk of overseas intellectual property rights being snatched, the risk of overseas intellectual property rights infringement litigation, the risk of customs seizure due to intellectual property rights infringement, the risk of cross-border E-commerce intellectual

property rights, the risk of intellectual property rights in overseas exhibitions, the risk of overseas trade secret investigations and criminal risks, and so on. Nowadays, more and more Chinese enterprises will hire professional law firms to carry out risk prevention and control and layout of overseas intellectual property rights before going overseas, so as to assess and prevent them earlier, in order to minimize disputes or to be able to respond quickly when the disputes occur.

Beijing lawyers have rich experience in the field of foreign-related intellectual property services, and can provide enterprises with a full range of services, including foreign-related patents, foreign-related trademarks, foreign-related copyrights, foreign-related trade secrets, and other full-process services. From non-litigation services such as foreign-related intellectual property applications, licensing, transfers and financing, to litigation services such as rights protection for foreign-related patents, trademarks, copyrights, and trade secrets, as well as reacting to overseas litigation, Beijing lawyers actively participate in providing sufficient legal protection for the overseas services of enterprises in Beijing and across the country.

Beijing lawyers not only have professional legal knowledge and capabilities in the field of foreign-related intellectual property but also possess multidisciplinary knowledge and skills in science and engineering. From traditional fields such as machinery, electrical engineering, medicine and chemistry, to new fields such as chips, biotechnology, software, artificial intelligence, data, and data property rights protection, they have made many beneficial explorations and breakthroughs, gradually improving the intellectual property service system and striving to provide full legal support and protection for every innovation of their clients.

## 2. Types of Services

### 2.1 Foreign-related Patent Services

#### 2.1.1 Foreign-related Patent Application Services

<1> First-time patent application to the Chinese Patent Office

① Acceptance Conditions

a) A patent applicant who has a habitual residence or business office in the Chinese Mainland may apply for a patent directly or by entrusting a patent agency;



b) A patent applicant who has no habitual residence or business office in the Chinese Mainland shall entrust a patent agency, or if it applies for patents as a representative, a patent agency shall also be entrusted.

② Inquiry of information by patent agency and patent attorney

Use China National Intellectual Property Administration Government Service Platform-"Patents" Section (<http://dlgl.cnipa.gov.cn/>).

③ Submission Channels

a) China National Intellectual Property Administration business acceptance hall, local intellectual property business acceptance windows (patent agencies department);

b) Patent business processing system (<https://cponline.cnipa.gov.cn>);

c) By mail

④ Application Materials

For an invention patent application, submit the "Request form", "Claims" "Specification", "Abstract" and "Drawings". For a utility model patent application, submit the "Request form", "Claims", "Specification", "Abstract" and "Drawings". For an appearance design patent application, submit the "Request for Patent for Appearance Design", "Design Pictures or Photos" and "Brief Description". Relevant forms can be downloaded from the "Government Services" Section on the homepage of the China National Intellectual Property Administration's official website, with the URL as follows:

<https://www.cnipa.gov.cn/col/col192/index.html>.

⑤ Patent Priority Examination Application

For those who need to apply for a patent priority examination, relevant acceptance conditions, application channels, materials and forms can be found at the following URL of China National Intellectual Property Administration official website "Government Services" Section (for form downloading):

<https://www.cnipa.gov.cn/col/col192/index.html>.

<2> Applying for foreign patents through the Paris Convention

① Submission approach:

The application can be submitted on one's own or through a foreign patent agency, subject to the laws of the target country, and can be handled through a Chinese patent agency to contact the foreign agency.

② Request for a Confidentiality Review when applying for a patent abroad

a) Requirements for Applicant

Any entity or individual that applies for a patent abroad for an invention or a utility model completed in China.

b) Requirements for approval

Approval will not be granted under any of the following circumstances:

- i. The invention or utility model completed in China involves national security or major interests and requires confidentiality;
- ii. Lack of necessary request document;
- iii. The form of the requested document does not comply with regulations;
- iv. Other circumstances that do not meet the requirements for a confidentiality review of the application to be filed abroad.

Approval may be granted in all cases except those mentioned above.

c) Submission approach

Visit the Business Hall of China National Intellectual Property Administration or business acceptance windows of local intellectual property bureaus (patent offices); use the Patent Service System (<https://cponline.cnipa.gov.cn>); or by mail.

d) Application materials

The *Request for Confidentiality Review of Patent Application to a Foreign Country*, the *Specification of Technical Program* (if necessary), and the *Power of Attorney for Patent Agent* (if necessary) can be downloaded from the following website:

<https://www.cnipa.gov.cn/col/col194/index.html>.

③ PPH (Patent Prosecution Highway) Patent Examination Fast Track:

If the target country has signed a PPH Cooperation Agreement with China, and the Chinese Patent Office has made a favorable review opinion on the same family of Chinese patents, a PPH accelerated review request can be made to the target country's patent office. Material downloading website: China National Intellectual Property Administration official website-Patent Examination Fast Track-PPH column: <https://www.cnipa.gov.cn/col/col46/index.html>

<3> Applying for foreign patents through the Patent Cooperation Treaty (PCT)

① Qualifications for submitting a PCT international application to the Chinese Receiving Office:

At least one applicant must be a Chinese citizen or legal entity, or a foreigner or foreign legal entity with long-term residence rights in China.

② Language Requirements:

Chinese or English should be used.

③ PCT Application Confidentiality Review:

A request for confidentiality examination is deemed to have been made at the same time when the international patent application is filed with the Chinese Receiving Office,

and no additional documents or fees are required.

④ PCT Entry into Foreign Countries:

It can be filed by oneself or entrusted to a foreign patent agency, subject to the legal provisions of the target country, and can be handled by contacting a foreign agency through a Chinese patent agency.

### **2.1.2 Foreign-related Patent Information Services**

① The following channels can be used to search for patent text information from various countries:

- China National Intellectual Property Administration Patent Search and Analysis System

<https://pss-system.cponline.cnipa.gov.cn/>

- World Intellectual Property Organization Patent Search System

<https://patentscope.wipo.int/>

- European Patent Office Patent Search System

<https://worldwide.espacenet.com/>

② The following channels can be used to inquire about patent examination information from various countries:

- China and Multinational Patent Examination Information Inquiry System

<https://cpquery.cponline.cnipa.gov.cn/>

- Global Dossier System

<https://globaldossier.uspto.gov>

③ The following channels can be used to inquire about patent legal information from various countries:

- World Intellectual Property Organization National Legal Information Platform (WIPO Lex):

<https://www.wipo.int/zh/web/gipolex>

### **2.1.3 Foreign-related Patent Invalidity, Litigation, and Consultation Services**

Clients can directly entrust the foreign patent legal service organization to handle the matter, or contact the foreign patent legal service organization through the Chinese patent legal service organization to handle the matter.

## 2.2 Foreign-related Trademark Services

### 2.2.1 Accepting Authorities

The Trademark Office of the China National Intellectual Property Administration accepts administrative matters such as trademark registration applications and etc., including: trademark registration applications, applications for changes in the name or address of the trademark applicant, trademark transfer applications, trademark license filing applications, trademark opposition applications, three years non-use cancellation application against a registered trademark, trademark rejection review applications, applications for review of refusal to register trademarks, review applications for three years non-use cancellation application, invalidation applications against a registered trademark, trademark opposition defense/defense against refusal to register review/defense against invalidation application, trademark cancellation and withdrawal applications, applications for reissuance of trademark registration certificates, applications for trademark registration certification, and applications for change of trademark agent.

The Beijing Intellectual Property Court and the Beijing Higher People's Court accept trademark administrative litigation cases.

Local (district) courts accept trademark civil litigation and criminal litigation according to the case's specific circumstances.

The Trademark Office of the China National Intellectual Property Administration or local market supervision and administration departments accept trademark complaints.

### 2.2.2 Trademark Application Services

#### <1> Domestic Trademark Application Services

Natural persons, legal persons, or other organizations applying for trademark registration or handling other trademark matters may process them on their own or entrust a legally established trademark agency for handling.

Natural persons, legal persons, or other organizations from the Hong Kong Special Administrative Region, the Macao Special Administrative Region and Taiwan, as well as foreigners or foreign enterprises applying for trademark registration and handling other trademark matters in Mainland China, shall entrust a legally established trademark agency for processing.

The Trademark Office of the China National Intellectual Property Administration's Trademark website guides trademark application related matters, some of which are listed below:

- Templates for application forms for application matters can be found at:

<https://sbj.cnipa.gov.cn/sbj/sbsq/sqss/>

- Instructions for submission materials for application matters can be found at:

<https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/>

• A guide to common questions about trademark registration applications can be found at: [https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/202211/t20221103\\_23079.html](https://sbj.cnipa.gov.cn/sbj/sbsq/sqzn/202211/t20221103_23079.html)

• The China Trademark Office of the National Intellectual Property Administration's Trademark website can be inquired about the application status of domestic trademarks in China and on it can perform similar trademark searches:

<https://cas.sbj.cnipa.gov.cn/cas/login?service=https://wcjs.sbj.cnipa.gov.cn/cas/login>

• A guide to the declaration of goods and services for trademark registration can be found at: <https://sbj.cnipa.gov.cn/sbj/sbsq/sphfwfl/>

<2> Overseas Trademark Application Services

#### ① Individual Country/Region Registration

Applicants may submit trademark registration applications to the trademark authorities of each country/region one by one according to the laws of each country/region as needed.

#### ② Regional International Organization Registration

Applicants may choose to submit trademark applications for registration to one or more regional organizations, including:

• European Union Intellectual Property Office (EUIPO): responsible for the registration and management of trademarks and design patents in EU countries, for details, please see: <https://www.euipo.europa.eu/en>;

• Benelux Office for Intellectual Property (BOIP): responsible for handling intellectual property affairs of Belgium, the Netherlands, and Luxembourg, for details, please see: [www.boip.int/en](http://www.boip.int/en);

• African Intellectual Property Organization (OAPI): a regional union for the protection of intellectual property composed of French-speaking countries of former French colonies, which uniformly manages the trademark affairs of its member states, for details, please see: [www.oapi.int](http://www.oapi.int);

• African Regional Intellectual Property Organization (ARIPO): a regional organization for the protection of intellectual property in many English-speaking countries in Africa, currently with 21 member states, for details, please see: <https://aripo.org/>.

#### ③ Madrid Trademark International Registration

A special union for international registration of trademarks composed of countries or

intergovernmental organizations applicable to the "Madrid Agreement" and the "Madrid Protocol", currently with 193 member countries. Applicants may submit applications to the Trademark Office on their own or entrust a nationally recognized trademark agency to handle the application.

A list of member countries can be found at: [ps://www.wipo.int/members/en/](https://www.wipo.int/members/en/).

## 2.3 Copyright Services for Foreign-related Matters

### 2.3.1 Copyright Registration of Works

Copyright protection for authors does not depend on registration in most countries in China and overseas. However, to better prove ownership and serve as evidence in copyright disputes, it is recommended that Chinese enterprises register their works.

According to the *Berne Convention for the Protection of Literary and Artistic Works*, the works of citizens and legal entities of member countries are automatically protected by the same copyright in other member countries. Chinese enterprises can exercise their copyright in other *Berne Convention* member countries either by using the Chinese copyright registration (which requires notarization and certification) or by registering the copyright in the country where they intend to uphold their rights. It is more convenient to register the copyright of the work overseas to defend the right overseas.

### 2.3.2 Copyright Registration in China

Copyright registration in China can be divided into software copyright registration and registration for non-software works. The registration authorities are the China National Copyright Administration and the copyright bureaus of provinces, autonomous regions and municipalities directly under the Central Government. The legal effect of the copyright registration certificates issued by various registration authorities is consistent. To improve the efficiency of copyright registration and facilitate copyright owners, registration authorities often entrust copyright handling agencies (such as the China Copyright Protection Center and copyright protection centers in various places) to handle copyright registration. Rights holders may submit copyright registration applications to the handling agencies (or registration authorities) according to relevant requirements, or entrust an agency to handle the registration.

<1> If you choose the China National Copyright Administration as the registration authority for your work, the handling agency is the China Copyright Protection Center, and the registration website is:

<https://www.ccopyright.com.cn>.



<2> If you choose the Beijing Municipal Copyright Administration as the registration authority for your work, the handling agency is the Beijing Municipal Copyright Protection Center, and the registration website is:

<https://banshi.beijing.gov.cn/pubtask/task/1/110000000000/b59add1-50b7-478f-bbe5-5c9a2b9f9169.html> (Voluntary Registration System for Works on Beijing Municipal Services Network).

### **2.3.3 Overseas Copyright Registration**

Chinese enterprises may apply for copyright registration with the copyright authorities of the export destination countries overseas. The copyright registration authorities and requirements vary from country to country. Taking U.S. copyright registration as an example, an application for copyright registration in the U.S. requires applying to the Copyright Office (U.S. Copyright Office).

The information required for U.S. copyright registration:

<1>The title of the work;

<2> Identification of the type of work;

<3> Provide information about the author, including name, nationality and address, the address must include the country name and the zip code, besides, need to present whether there is an anonymous or former name, if any, then need to provide;

<4> The applicant's name, address and contact details of the applicant;

<5>The means by which the applicant acquired ownership of the copyright of the work;

<6> The date of the work's initial creation and the date of completion;

<7>Whether the work has been made public and, if so, the date (day, month and year) and the country in which it was first made public;

<8>Whether any part of the work is excluded from the copyright claim.

### **2.3.4 Copyright Collective Management Organizations**

Copyright owners may choose to join copyright collective management organizations in order to better defend their rights and obtain copyright benefits. The copyright collective management organization, after obtaining authorization from copyright owners and neighboring rights holders, licenses the use of certain subjects protected by copyright and neighboring rights (such as musical works, sound recordings, and etc.), collects corresponding remuneration, distributes it to copyright owners and neighboring rights holders after collection, and has the right to initiate litigation and arbitration in its own name related to copyright and related rights.

Here is a list of China's copyright collective management organizations as follows:

- China Music Copyright Association (CMCA), Address: 5th Floor, Jingfang Building, No.33, Dongdan Santiao, Beijing (North Gate of Wangfujing Bookstore, opposite to Beifang Jiayuan Hotel), Tel.: 010-65232656, Official Website: [www.mcsc.com.cn](http://www.mcsc.com.cn).

- China Written Works Copyright Society, Address: No.A35, Fuwai Street, Xicheng District, Beijing, Tel.: 010-65978905/06/16/17 (switchboard), Website: [www.prccopyright.org.cn](http://www.prccopyright.org.cn).

- China Film Copyright Association, Address: 5th Floor, No. 5, Beizhan North Street, Xicheng District, Beijing, Tel.: 010-62364640, Email: [cfcac2009@163.com](mailto:cfcac2009@163.com).

- Photographic Copyright Society of China, Address: No. 48, Dongsì Shítiao, Beijing, Tel.: 010-65978100, Email: [hyb@icschina.net](mailto:hyb@icschina.net).

- China Audio-Video Copyright Association, Address: Room 2212, 22th Floor, Anlian Building (Building No.3), No. 38, East Third Ring North Road, Chaoyang District, Beijing, Tel.: 010-66086468/6427/6442/6649.

### **2.3.5 International Copyright Certification Agencies**

Chinese enterprises may apply for international copyright certification to prove the effectiveness of overseas copyrights. Information about some agencies for international copyright certification (their Beijing offices) is as follows:

- Business Software Alliance (BSA) Beijing Representative Office, Address: Room 1701-11, 17th Floor, Hyundai Motor Tower, No. 38, Xiaoyun Road, Chaoyang District, Beijing, Tel.: 010-65675155, Email: [ashleyle@bsa.com](mailto:ashleyle@bsa.com).

- International Confederation of Societies of Authors and Composers (CISAC) Beijing Representative Office, Address: Room 1549, Block C, Yintai Office Building, No. 2, Jianguomenwai Street, Chaoyang District, Beijing, Tel.: 010-65637895, Email: [asiapacific-office@cisac.org](mailto:asiapacific-office@cisac.org).

- International Federation of the Phonographic Industry (IFPI) Beijing Representative Office, Address: Room 3011, 3rd Floor, Block A, Huahui Building, No. 388, Beihuayuan Village, Gaobedian Town, Chaoyang District, Beijing, Tel.: 010-87945111.

- Motion Picture Association (MPA) Beijing Representative Office, Address: Room B7-2, No.9, Guanghua Road, Chaoyang District, Beijing, Tel.: 010-65858766, Email: [beijingoffice@mpachina.org](mailto:beijingoffice@mpachina.org).

- Recording Industry Association of Japan (RIAJ) Beijing Representative Office, Address: Room 2132, Huaren Yipin Building, No.10, Zhangzizhong Road, Dongcheng District, Beijing, Tel.: 010-84017517, Email: [shu\\_kz@vip.163.com](mailto:shu_kz@vip.163.com).

- Japan's Content Overseas Distribution Association (CODA) Beijing Representative Office, Address: Room 2605, North Building, Dayue Apartment, No.99, Chaoyang North

Road, Chaoyang District, Beijing, Tel.: 010-84017527, Email: shu\_kz@vip.163.com.

- Korea Copyright Commission (KCC) Beijing Representative Office, Address: Room 405, 4th Floor, Building 6, No.1, Guanghai Xili, Chaoyang District, Beijing, Tel.: 010-65015437.

### **2.3.6 Overseas Copyright Defense Methods**

If Chinese enterprises find their copyrights are improperly used by others overseas, they may consider taking the following measures to protect their rights:

<1> Collecting evidence of infringement, notarizing it promptly, and filing a copyright infringement lawsuit with the local court;

<2> Sending a warning letter to the infringer, requesting it to stop the infringement and compensate for the loss, and negotiating with it to solve the problem;

<3> Filing complaints on E-commerce platforms such as Amazon and etc. for copyright infringement, requesting removal of the infringing products;

<4> Recording copyrights with Chinese customs and foreign customs to prevent the import and export of the infringing products;

<5> Reporting serious copyright infringement that may constitute a crime to the local judicial authorities for criminal investigation.

## **2.4 Protection of Trade Secrets**

### **2.4.1 Legal Basis for the Protection of Trade Secrets in China**

① *Civil Code of the People's Republic of China*

② *Anti-Unfair Competition Law of the People's Republic of China*

③ *Provisions of the Supreme People's Court on Several Issues Concerning the Application of Laws in the Civil Cases of Infringement of Trade Secrets, effective from September 12, 2020.*

④ *Criminal Law of the People's Republic of China*

⑤ *Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Specific Application of Laws in Criminal Cases of Intellectual Property Infringement (III), effective from September 14, 2020.*

### **2.4.2 Overview of the Trade Secret Protection System**

Trade secrets are important intellectual property of enterprises and are crucial to their survival and development. *The Civil Code of the People's Republic of China* includes trade secrets as objects of intellectual property protection. Trade secrets refer to technical information, business information, and other commercial information that is not known

to the public, which have commercial value, and have been subject to the corresponding confidentiality measures adopted by the rights holder. Trade secrets must simultaneously possess the "three characteristics", namely, being not known to the public, which refers to the "secrecy" of the trade secrets; having commercial value, which refers to the "valuable" nature of the trade secrets; and being subject to corresponding confidentiality measures adopted by the rights holder, which refers to the "confidentiality" of the trade secrets. Trade secrets are distinctive in that they cannot be used to confront against bona fide third parties. Bona fide third parties may legitimately acquire and implement trade secrets.

In the cases where enterprises encounter infringement of their trade secrets, they generally may take civil action, administrative action, or criminal action. For trade secret infringement cases where the rights are clear and the infringing activities can be proven, a civil action is typically pursued. In the cases where the infringement activities are clandestine and thus require public authority's intervention for investigation, an administrative action may be pursued, say, the trade secret owner may report to the administrative authority. For the cases involving serious circumstances and causing significant losses to enterprises, criminal action may be pursued. The specific types of approaches can be determined by the enterprises based on the specific circumstances of each case.

### **2.4.3 Civil Remedies for Trade Secret Litigation**

#### **① Jurisdiction**

The territorial jurisdiction for resolving civil disputes involving trade secret infringement is determined according to the rules of jurisdiction for infringing cases. It is typically under the jurisdiction of the people's court in the place where the infringing activity was committed, where the infringement result occurred, or where the defendant resides.

The level of jurisdiction for trade secret cases needs to be specifically determined based on the circumstances of the case. For complex cases involving technical secrets, such trade secret infringement cases are generally under the jurisdiction of the intellectual property courts, the intermediate people's courts in the cities where the governments of provinces, autonomous regions and municipalities directly under the central government resides, as well as the intermediate people's courts designated by the Supreme People's Court. Trade secret infringement cases may also be under the jurisdiction of the primary people's courts. The Supreme People's Court published detailed regulations on the jurisdiction standards of courts, which can be found in the *Several Provisions of the Supreme People's Court on the Jurisdiction of First-instance Civil and Administrative Cases*

*of Intellectual Property and the Standards for the Jurisdiction of Primary People's Courts of First-instance for the Civil and Administrative Cases of Intellectual Property.*

② Litigation Preparation

Preparation of evidence for filing a lawsuit mainly relates to the evidence of the plaintiff's trade secret rights, evidence of infringement and evidence of loss for claims. As the rights holder of the trade secret, the burden of proof lies on it in determining whether the information owned meets the criteria of a trade secret, including the carrier of the trade secret, the specific content, commercial value and specific confidentiality measures taken. The defendant may argue whether the plaintiff possesses the necessary conditions for a trade secret. Article 32 of the *Anti-Unfair Competition Law of the People's Republic of China* provides for the transfer of the burden of proof, say, once the trade secret rights holder provides preliminary evidence proving it has taken confidentiality measures for the claimed trade secret and reasonably demonstrates the infringement of the trade secret, then the alleged infringer shall provide evidence showing that the trade secret claimed by the rights holder does not fall within the definition of a trade secret as stipulated in the law.

After the trade secret rights holder has prepared the necessary evidence and filing documents in accordance with Article 122 of the *Civil Procedure Law of the People's Republic of China* and Article 9 of the *Anti-Unfair Competition Law of the People's Republic of China*, a lawsuit for trade secret infringement may be filed with the competent people's court. In judicial practice, if the trade secret rights holder has evidence proving that the alleged infringer had the means or opportunity to access the trade secret, and the information used by the alleged infringer is essentially the same as the trade secret, and if the alleged infringer fails to prove that the information used is obtained legally or does not actually infringe the trade secret, the court may infer that the alleged infringer is engaged in trade secret infringement.

When collecting evidence related to trade secrets, the trade secret right holder may apply with the notary office for a notarization certificate on the evidence.

Please see China Law Service Website - Taskbar "Handling Notarization" for relevant notary offices:

<http://www.12348.gov.cn/#/publicities/notarization/notarization>

For complex professional and technical issues related to trade secrets, it may be necessary to seek expert from professional appraisal (identification) institutions to provide expert opinions to the court.

Please see China Law Service Website - Taskbar "Seek Appraisal (Identification)" for



relevant appraisal (identification) agencies:

<http://www.12348.gov.cn/#/publicities/identification/identification>

#### **2.4.4 Administrative Remedies for Trade Secrets**

##### **① Accepting Department**

Activities of trade secret infringement are determined and handled by the market supervision and administration department at or above the county level where the illegal activities occurred.

##### **② Reporting Methods**

When the rights holder reports to the market supervision and administration department, the reports can be made through internet platforms for receiving complaints published by the market supervision and administration department (e.g., the National 12315 Platform: <https://www.12315.cn/>), or by mail, or in person by visiting at the service windows, or through telephone, and etc.

##### **③ Complaints Accepting Requirements**

When the rights holder reports activities of trade secret infringement to the market supervision and administration department, they shall provide evidence that the commercial information they hold meets the statutory conditions for trade secrets and prove that their trade secrets have been infringed. When the following conditions are met, the administrative authorities shall accept the case in accordance with the law: there are specific suspected violators; there is preliminary evidence proving the existence of trade secret infringement; the case falls within the jurisdiction of the department; and it is within the statutory two-year period for administrative penalties.

##### **④ Investigation Methods**

When the market supervision and administration departments investigate the suspected trade secret infringement, they may take measures such as conducting on-site inspections, inquiries, document retrieval and duplication, sealing or seizure of the suspected illegal items, and recording the scene through photography, audio recording, video recording and other methods in accordance with relevant regulations.

#### **2.4.5 Criminal Remedies for Trade Secrets**

Article 219 of the *Criminal Law of the People's Republic of China* provides for the crime of infringing trade secrets. Comparing to the civil litigation, the criminal protection of trade secrets has a more deterrent effect. It can carry out severe crackdowns on the suspected infringement and criminal incidental civil litigation procedures can be initiated to seek compensation based on the rights holder's losses or the infringer's profits or reference to the licensing fee standard.



### ① Criteria for Criminal Pursuit

Prosecution for activities of trade secret infringement shall be initiated if the activities fall into one of the following circumstances: 1) causing losses to the rights holder amounting to over 300,000 yuan; or 2) obtaining illegal gains from trade secret infringement of over 300,000 yuan; or 3) directly leading to the rights holder's bankruptcy or major operational difficulties; or 4) causing significant losses to the rights holder in other circumstances.

### ② Criminal Complaints Process

In preparation for reporting the case, the trade secret rights holder needs to provide preliminary evidence to the competent public security authority, including rights evidence, evidence of suspected infringement and evidence of losses. The evidence requirements for criminal cases are higher compared to other approaches. It may involve collecting evidence and timely conducting notarization if necessary, as well as seeking professional appraisal (identification) for cases involving technical secrets. After preparing the case materials, the rights holder may go to the competent public security authority (generally the one at the location of the criminal activities) at or above the county level to report the case and submit the case materials. The public security authority shall issue a "Decision on Accepting A Criminal Case" or a "Notice of Non-Acceptance" within a review period of 7 days, which may be extended for up to 2 months with approval.

After the case is accepted, it enters the investigation stage. If the reporting party could not obtain evidence of infringement on their own, the public security authority has the power to collect and retrieve relevant evidence materials. They can collect evidence that the rights holder cannot get access, and supplement the lacked evidence. At this point, the rights holder may prepare to initiate the criminal incidental civil litigation based on their losses.

## **2.4.6 Protection of Enterprise's Overseas Trade Secrets**

Enterprises need to pay attention to the protection of trade secrets during the international cooperation and competition. Whether it is protecting their own trade secrets or being accused by foreign enterprises of infringing trade secrets, risk prevention is the primary task that enterprises should focus on. Chinese enterprises can take measures to protect trade secrets overseas, including but not limited to the following:

Signing confidentiality agreements: enterprises should sign confidentiality agreements with foreign partners and employees to clearly define the scope and responsibilities of protecting trade secrets, specify the consequences and compensation for leaks, and ensure that confidentiality measures are in place.

Intellectual property registration: registering trademarks, patents and copyrights in foreign countries can expand the scope of intellectual property protection and enhance the confidentiality of trade secrets.

Strengthening information security management: enhance protection measures for trade secrets, such as information encryption, network security, employee training, and etc., to prevent external parties from accessing trade secrets.

Seeking legal protection: get familiar with local intellectual property laws and regulations and, in case of infringement disputes, engage local lawyers and experts to handle the disputes.

In conclusion, Chinese enterprises need to comprehensively utilize legal, technological and management means to protect trade secrets overseas. They should enhance awareness and capabilities of protection to ensure the security of trade secrets.

## 2.5 Intellectual Property Customs Protection

### 2.5.1 Legal Basis for Intellectual Property Customs Protection Record-filing

① *Regulations on the Customs Protection of Intellectual Property Rights of the People's Republic of China* (2018 revision)

② *Implementation Measures of the General Administration of Customs of the People's Republic of China on the "Regulations on the Customs Protection of Intellectual Property Rights of the People's Republic of China"*

### 2.5.2 Intellectual Property Customs Protection Record-filing Department and Filing Process

① Department and Webpage for Intellectual Property Customs Protection Record-filing:

Through the GACC Intellectual Property Customs Protection Sub-system at the following webpage, and conduct user registration, and then log in, and then apply for record-filing with the GACC. Please see the website as follows:

<http://202.127.48.145:8888/auth/login!LoadUser.do>

② Process and Related Links for Intellectual Property Customs Protection Record-filing:

Applicant logs into the Intellectual Property Customs Protection System → online completion of filing application form → submission of filing application → system acceptance → supplemental materials (if the applicant discovers application errors

requiring amendment, it can withdraw and modify them prior to the customs' review) → customs review → completion. Website linkage:

[http://huangpu.customs.gov.cn/beijing\\_customs/434817/xbszn99/zscq14/3429035/index.html](http://huangpu.customs.gov.cn/beijing_customs/434817/xbszn99/zscq14/3429035/index.html)

### **2.5.3 Types of Intellectual Property Eligible for Record-filing**

The types of intellectual property eligible for filing include exclusive rights to trademarks, patent rights (inventions, designs and utility models), copyrights and related rights.

### **2.5.4 Customs Retention of Suspicious Infringing Goods**

① Customs Retention of Suspicious Infringing Goods upon Application by the Intellectual Property Rights Holder:

When the intellectual property rights holder discovers goods suspected of infringement about to be imported or exported, they can apply to the customs at the place of import or export to retain the goods, and provide a guarantee to the customs within the prescribed period.

② Customs Retention of Suspicious Infringing Goods upon ex officio:

Customs supervises import and export goods. If they find the goods suspected of infringing the intellectual property rights as record-filed with the GACC, they can initiatively suspend the customs clearance process for the goods and notify the intellectual property rights holder. Customs then determines whether to retain the goods, based on whether the intellectual property rights holder has applied for retention and provided a guarantee.

### **2.5.5 Filing Intellectual Property Infringement Lawsuits with the Court Regarding the Suspected Infringing Goods**

Under the mode of rights holder's request for protection, customs office does not investigate the goods upon request for retention. After customs office retains the suspected infringing goods, the rights holder needs to file an infringement lawsuit regarding the relevant infringement dispute with the People's Court.

Under the mode of customs authority protection upon ex officio, customs office retains the suspected infringing goods according to its duty, and has the power to investigate and determine the suspected goods within 30 working days from the date of retention. If customs determines that the goods detained are infringing intellectual property, they have the power to confiscate the goods and impose penalties on the relevant parties and inform the rights holder in writing. If customs could not determine, the rights holder may apply to the People's Court for orders to cease the infringement or for property

preservation measures.

For intellectual property rights holders with trademarks or copyrights, they may file infringement lawsuits against the suspected infringing goods at the location of the goods' retention, the defendant's domicile location, or the place of infringement.

For intellectual property rights holders with patent rights, they may file infringement lawsuits at the defendant's domicile location or the place of infringement.

#### **2.5.6 Enterprises Can Take the Following Measures to Deal with Overseas Customs in Terms of Intellectual Property Rights:**

Intellectual property registration: register trademarks, patents, copyrights and other intellectual property rights in the target country to strengthen the protection of the legitimacy and rights of intellectual property.

Provide relevant documents: when declaring to customs, provide proof documents related to intellectual property, such as patent certificates and trademark registration certificates, to demonstrate the legitimacy of the company's rights to intellectual property.

Establish cooperative relationships: collaborate closely with customs to facilitate their better understanding of the company's intellectual property situation and actively protect the company's intellectual property.

Monitoring and reporting: regularly monitor and investigate potential infringement activities, such as trade activities involving counterfeit products, and promptly report to customs, seeking assistance for law enforcement actions.

In conclusion, enterprises shall enhance awareness of intellectual property protection, collaborate with overseas customs through various means, and cooperate with relevant foreign professional institutions (such as law firms and accounting firms) to timely uphold the legitimate rights and interests of the company's intellectual property.

### 3. Guidelines for Dealing with Intellectual Property Infringement at Trade Shows

#### 3.1

#### When Participating in Exhibitions within China, Companies Can Take the Following Measures:

(1) When the exhibiting company is subject to infringement, legally gather evidence of infringement, and confirm the stability and effectiveness of their own intellectual property. They can issue warning letters or legal letters to the infringing company, requesting them to cease infringement and remove products, and etc.

Generally, the list of exhibitors is announced prior to the trade show. For rights protection, it is essential to determine the specific booth of the suspected infringer and collect evidence of infringement, such as exhibited products and manuals, in advance to facilitate notarization and preservation of evidence and complaints at the trade show.

(2) Complaint to the intellectual property department of the exhibition:

For exhibitions with an intellectual property department, when a company discovers products infringing its intellectual property, it may contact the trade show's intellectual property department, and submit a complaint application, including:

① a complaint application that includes basic information about the complainant and the respondent, facts and reasons for the suspected infringement of the exhibited items, and relevant supporting evidence;

② valid proof of intellectual property ownership: for patents, it should include patent certificates, patent gazette texts, identity proof of the patent holder, patent legal status confirmation, the name and booth number of the respondent's exhibitor, and etc.; for trademarks, it should include trademark registration documents and proof of trademark ownership; for copyrights, it should include copyright registration certificates or relevant evidence, proof of the copyright holder's identity, and other necessary evidence. If the complaint is filed by an agent, it should also include an authorization letter and proof of agent identity.

(3) Filing Complaints to Relevant Administrative Authorities:

To prevent ongoing infringement and minimize losses, companies can apply to relevant administrative authorities for administrative preservation measures, including

but not limited to sealing, impounding of infringing products, and orders to cease infringement. For cases involving trademark or patent infringement, the complainant can file complaints with the National Intellectual Property Office or local intellectual property offices, as well as local market supervision and administration authorities. For cases of copyright infringement, they can file complaints with the National Copyright Administration or local copyright offices.

#### (4) Applying for Pre-litigation Preservation Measures with the Court

If the situation is urgent and failure to apply for preservation measures immediately will cause irreparable harm to the legitimate rights and interests, companies can apply for pre-litigation preservation measures with the People's Court, such as requesting an order to prohibit the suspected infringing company from participating the exhibitions in future. Pre-litigation preservation applications involve the court's review of the factual basis, legal grounds, stability of intellectual property, potential for infringement, and urgency of action. Since this is very specialized, companies may consult with lawyers.

### 3.2

#### When Participating in Exhibitions Outside of China, Companies Should Pay Attention to the Following Matters:

① Before participating in the exhibition, ensure adequate protection of intellectual property rights within the legal framework of the target country, including registering trademarks, patents and other intellectual property rights to safeguard interests during the exhibition.

② Before participating in the exhibition, develop a comprehensive strategy for intellectual property protection, including plans for monitoring, protecting and responding to infringement. Seek professional advice and support from intellectual property lawyers or experts as necessary to ensure full protection of intellectual property during the exhibition.

③ If a company encounters temporary injunctions or law enforcement measures during the exhibition, it should cooperate with law enforcement personnel, obtain and preserve law enforcement documents, as well as seizure or confiscation lists. Seek resolution with the help of legal professionals to avoid unnecessary losses due to resistance or obstruction of law enforcement. Upon encountering law enforcement actions, companies may raise objections, appeals, or file lawsuits in accordance with local laws,



and submit evidence of non-infringement.

④ In the event of infringement of the intellectual property rights by others, companies may first engage local intellectual property service agencies and professional lawyers to analyze whether infringement has occurred, select appropriate methods for safeguarding their rights, gather evidence, prepare materials for safeguarding their rights, and seek remedies for the protection of their intellectual property. Companies should familiarize themselves with the legal regulations of the exhibition venue in advance and promptly utilize warnings or temporary injunctions to demand cessation of infringement, so as to safeguard their rights.

## V . Foreign-related Notarization Services

### 1. Overview of the Development of Foreign-Related Notarization

The Beijing Municipal Bureau of Justice actively guides the notarization industry in the capital, based on the functional positioning of the capital as the center of international communication, and gives full play to the role and functions of foreign-related notarization services to provide high-quality and efficient foreign-related notarization legal services by adhering to the capital's standard.

#### 1.1 Strengthening Talent Training for More Professional Services

Currently, 24 notary offices in Beijing can handle foreign-related notarization business. Beijing's notarization industry has 327 notaries qualified in foreign-related legal services, accounting for 73.3% of all notaries, with 209 notaries having more than five years of experience in foreign-related legal services, accounting for 63.9% of the city's notaries qualified for foreign-related notarization business.

The Municipal Bureau of Justice has established a comprehensive mechanism for cultivating foreign-related notarization talents, promoted the formalization, professionalization and specialization of foreign-related notary teams, and guided the Beijing Notary Association to set up a special working committee for foreign-related and Hong Kong, Macao and Taiwan-related affairs, which is responsible for exchanges and cooperation with international, Hong Kong, Macao and Taiwan notary organizations, and thereby expanding and standardizing related business. It actively recommends eligible notaries for specialized training in foreign-related notarization business hosted by the China Notary Association, incorporates foreign-related business into the notary training curriculum, and ensures that at least one foreign-related business training session is held annually, covering all notaries in the city. The Bureau also closely collaborates with the universities in the capital to explore the construction of a practice-oriented foreign-related notarization talent training mechanism and strengthens exchanges and cooperation with foreign counterparts to cultivate a batch of high-level foreign-related notarization

talents who understand international rules and have a global vision and rich notarization experience.

## 1.2 Leveraging Functional Advantages with Increasingly Prominent Roles

Beijing's notarization industry utilizes foreign-related notarization as a legal "passport" in foreign economic and trade cooperation. It provides diversified and high-quality notarization legal services for enterprises involved in infrastructure construction, project bidding, cross-border investment and financing, economic and trade exchanges and labor dispatch in countries along the Belt and Road region.

In the past three years, the Beijing notarization industry has handled 490,000 foreign-related notarization matters for enterprises and individuals. The notarized documents have been sent to over 180 countries and regions, covering more than 90% of the countries along the Belt and Road region. This service has supported trade, technology, energy, construction and finance enterprises in cooperative development, investment and financing with the Belt and Road countries, handling notarization for power of attorney, dispatch agreements, business licenses, charters, authorization letters, audit reports, board resolutions, performance certificates, educational certificates, work certificates, professional title certificates, certificates of innocence and so on, providing legal support and intellectual assurance for the construction of the Belt and Road Initiative.

## 1.3 Persisting in Reform and Innovation to Continuously Enhance Influence

The capital's notarization industry actively participates in legal affairs related to Chinese enterprises' and citizens'"going global", continuously enhancing the new foreign-related business. Currently, three notary offices in Beijing have been jointly authorized by the Ministry of Justice and the Ministry of Foreign Affairs to conduct overseas remote video notarization, and have established cooperation mechanisms with over 100 foreign embassies and consulates for overseas remote video notarization, having handled for over 300 such cases. Nine notary offices have achieved the integrated "foreign-related notarization + consular authentication" services, accepting consular authentication applications when handling foreign-related notarization, and they collect application materials accordingly, thus realizing the purposes of departmental collaboration,

coordinated work and benefits for enterprises. Furthermore, the capital's notarization industry actively participates in the China International Fair for Trade in Services, Zhongguancun Forum and Financial Street Forum, further expanding the influence of the capital's foreign-related notarization services and opening a new chapter in the opening-up development of the capital's notarization industry.

## 2. Specialized Services for Foreign-Related Notarization

### 2.1 Overseas Remote Video Notarization

The pilot work for overseas remote video notarization leverages the platform advantages of our embassies and consulates abroad and the professional strengths of domestic notary offices, innovating the service mode of "Internet + Notarization". The notarization industry adheres to the principle of serving the public, ensuring stability, practicality, progressiveness, authenticity and legality. It fully respects the wishes and actual needs of notarization parties and handles the notarization matters in strict accordance with the law and regulations, providing Chinese citizens residing abroad with a greater sense of gain, happiness and security in enjoying the notarization legal services.

**Applicable Objects:** This service is suitable for Mainland residents with the nationality of the People's Republic of China with long-term residence status in the pilot country designated by the Ministry of Foreign Affairs (defined as having stayed in the host country for 180 consecutive days, or having obtained the host country's permanent or long-term residency identification, or possessing long-term visas for work, study and etc.), making it no longer a difficult task for overseas Chinese citizens to obtain notarization.

#### **Scope of Business:**

1. Under the case that the notarization items applied for are not within the processing capabilities of the embassies and consulates abroad, and the notarized documents are primarily intended for use within China (excluding Hong Kong, Macao and Taiwan). The parties in such cases may voluntarily choose a pilot notary office in their domestic domicile, place of habitual residence, place of conduct, and place of occurrence of the facts occurring to conduct the overseas remote video notarization.

The pilot notary offices must comply with the regulations and requirements of the notarization practice areas. For notarization involving real estates, it must be handled in

accordance with the provisions of Article 25 (2) of the *Notarization Law*.

2. The following items can be applied for overseas remote video notarization: declaration, entrustment (including property-related matters such as real estates, equity shares, inheritance, and etc.), marital status, nationality, name, birth, death, kinship, no-criminal record, experience, education, certificates (licenses), signatures on documents, seals, and text conformity notarization, and etc.

The notarization of declarations involving the disposition of property shall be subject to the following conditions:

(1) It is required for the notary office to handle related notarization matters;

(2) The party concerned promises to mail the original paper copy of his/her handwritten signed declaration through the pilot embassy or consulate or visa center to the notary office for archiving.

The notarization of entrustment involving the disposition of property shall be subject to the following conditions:

(1) The trustee is a close relative of the principal;

(2) The disposition follows the principle of fair and equity;

(3) The trustee has no power of sub-delegation;

(4) The entire disposal price is transferred into the principal's own bank account in China.

## 2.2 Notarization Services for the Belt and Road Initiative

The key to the construction of the Belt and Road Initiative lies in connectivity, and the premise is mutual trust. The notarization system, as an internationally recognized preventive legal system, has legal evidentiary power and enforceability, serving as a bridge for various civil and commercial activities among countries and a bond for mutual trust. Notary offices across the city have provided notarization legal services for hundreds of enterprises to cooperate with countries along the Belt and Road region in development, investment and financing, and etc., with the business scope covering more than 90% of the countries along the Belt and Road, which has made positive contributions to serving and safeguarding the construction of the Belt and Road Initiative and optimizing the legal business environment.

### **Service Areas:**

(1) Providing services for infrastructure construction bidding and project contracting;

- (2) Providing services for electronic data depository in cross-border trade;
- (3) Providing services for intellectual property rights protection;
- (4) Providing notarization services for corporate cross-border trade guarantees;
- (5) Providing notarization services for dispute resolution in cross-border trade;
- (6) Providing traditional foreign-related notarization services for the issuance of entry and exit visas; and
- (7) Providing notarization services for the inheritance of domestic and foreign estates.

### 2.3 Integrated Service for Foreign-related Notarization and Authentication

For foreign-related notarized documents to be used smoothly abroad, they typically involve two steps: notarization and authentication. In the past, after obtaining the notarial certificate, the applicant had to contact the relevant authorities to handle the authentication procedures themselves. In recent years, the notarization industry in Beijing has been continuously promoting the integrated service of "foreign-related notarization + consular authentication". When applying for notarization, parties concerned can also apply for consular authentication services at the same time. By the time the parties receive the notarial certificate, it is already a notarial certificate that has been authenticated.

Currently, nine notary offices in Beijing have achieved one-stop service for notarization and authentication, which are: Beijing Fangyuan Notary Public Office, Beijing Chang'an Notary Public Office, Beijing Dongfang Notary Public Office, Beijing Xinde Notary Public Office, Beijing Zhongxin Notary Public Office, Beijing Zhengyang Notary Public Office, Beijing Haicheng Notary Public Office, Beijing Qiushi Public Notary Office, and Beijing Guoxin Notary Public Office.

## 3. Directory of Foreign-related Notary Offices in the Capital

### Municipal Notary Institutions

**Beijing Fangyuan Notary Public Office** The Beijing Fangyuan Notary Public Office offers a range of notarization legal services including foreign-related notarization, on-site supervision, preservation of evidence, and conferring compulsory enforcement effect on creditor's documents. It is authorized to handle all types of domestic and foreign-related, as well as Hong Kong, Macao and Taiwan-related notarization.



Address: 1st, 3rd, 5th, and 10th Floors, Building 2, Beijing INN Building, No.5, Dongshuijing Hutong, Chaoyangmennei Avenue, Dongcheng District, Beijing

Tel.: 010-85197666

WeChat Public Account:



**Beijing Chang'an Notary Public Office** The Beijing Chang'an Notary Public Office is based on the functions of notarization legal services. Its main business scope includes foreign-related civil notarization, foreign-related economic notarization, domestic civil notarization, domestic economic notarization, and notarization involving Hong Kong, Macao and Taiwan.

Address: Beijing Capital Building, No. 6, Chaoyangmen North Street, Dongcheng District, Beijing

Tel.: 010-65544478

WeChat Public Account:



### **Dongcheng District**

**Beijing Dongfang Notary Public Office** The Beijing Dongfang Notary Public Office offers a wide range of legal services including family affairs, intellectual property protection, real estates, finance, and etc. It also provides extended services such as one-stop service for notarization and authentication, as well as comprehensive services like inheritance plus property rights agency, and etc. It has established an online reception room to offer full-process online services such as online consultation, appointment and handling.

Address: No.168, Andingmenwai Street, Dongcheng District, Beijing

Tel.: 010-84217035

WeChat Public Account:



**Beijing Xinde Notary Public Office** The Beijing Xinde Notary Public Office focuses on family-related notarization services and offers green civil notarization services. It also handles various commercial and financial, as well as intellectual property protection services. It provides foreign-related notarization, translation and consular certification agency services, realizing the "one-stop foreign-related" handling.

Address: Room 3-A1, 3rd Floor, No.4, Zhushikou East Street, Dongcheng District, Beijing

Tel.: 010-67124408

WeChat Public Account:



### Xicheng District

**Beijing Guoli Notary Public Office** The Beijing Guoli Notary Public Office fully leverages its service and certification functions in notarization. Its business scope covers various fields such as finance, real estates, domestic civil and economic affairs, and foreign-related matters. It offers a one-stop service for inheritance plus real estates registration and facilitates online appointment for handling foreign-related notarization services.

Address: Room 309, 3rd Floor, Xinjie Gaohe, No.3, Xinjiekou North Street, Xicheng District, Beijing

Tel.: 010-82024800

WeChat Public Account:



**Beijing Zhongxin Notary Public Office** The Beijing Zhongxin Notary Public Office is characterized by its "financial notarization" services. It can handle a variety of notarization services including entrustments, declarations, wills, inheritances, preservation of evidence, compulsory execution notarization, escrows and other civil, economic, as well Hong Kong and Macao-related and foreign-related notarization services. It also provides one-stop services such as green inheritance, mortgage agency and foreign certification.

Address: 4th and 5th Floors, Vantone Financial Center, No.2, Fuchengmenwai Street, Xicheng District, Beijing

Tel.: 010-68442299

WeChat Public Account:



**Beijing Jingcheng Notary Public Office** The Beijing Jingcheng Notary Public Office has established the Cloud Notarization Center, the Capital Market Department, the International Wills Center, the Chinese Legal Guardianship Center and the Family Affairs Center.

Address: No.14, Luomashi Street, Xicheng District, Beijing

Tel.: 010-83510001

WeChat Public Account:



### Chaoyang District

**Beijing Zhengyang Notary Public Office** The business scope of Beijing Zhengyang Notary Public Office mainly includes civil, foreign-related and economic notarizations, involving many fields such as family affairs, commerce, finance, intellectual property, and etc. It has launched notarization butler services, and the clients may consult and process the matters online, and enjoy the one-on-one exclusive services.

Address: Building 7 (Chaoyang District Public Legal Service Center), Liulitun Xili, Chaoyang District, Beijing

Tel.: 010-85961236

WeChat Public Account:



### Haidian District

**Beijing Haicheng Notary Public Office** The Beijing Haicheng Notary Public Office is committed to providing notarization services in civil, economic, financial, real estates, intellectual property and other fields for domestic and foreign clients. In 2023, it has started handling overseas remote video notarization services.

Address: 3rd Floor, Block A, Haojing Building, No. 108, Zhichun Road, Haidian District, Beijing

Tel.: 010-62106523

WeChat Public Account:



**Beijing Qiushi Notary Public Office** The Beijing Qiushi Notary Public Office comprehensively handles civil, economic and foreign-related notarization, providing one-stop services including foreign-related online notarization, translation notarization, foreign affairs authentication and additional services such as difficult and complex family affairs consultation and mediation. It also handles real estate registration on behalf of clients, and has independent block chain technology and the ability to implement into the application scenarios, providing "block chain certification" and document storage services, assisting enterprises in investment and financing, protecting intellectual property rights, drafting documents, and conducting compliance review.

Address: No.24, Zhongguancun South Street, Haidian District, Beijing

Tel.: 010-62166131

WeChat Public Account:



**Beijing Guoxin Notary Public Office** The Beijing Guoxin Notary Public Office provides notarization services in the fields of foreign affairs, domestic civil and economic affairs. The clients may consult in relation to notarization services through various channels such as telephone, WeChat, mini programs, and etc. It provides one-stop convenient services of "notarization plus real estate registration", "notarization, diplomatic and consular authentication plus mailing". It establishes Beijing Intellectual Property Notary Service Center to provide "full chain, one-stop" intellectual property notarization legal services for rights holders.

Address: 1st, 9th and 10th Floors, Building A, Tianzuo International Center, No. 12, Zhongguancun South Street, Haidian District, Beijing

Tel.: 010-82255185, 16600055185 (the same as WeChat number)

WeChat Public Account:



### **Fengtai District**

**Beijing Shoujia Notary Public Office** The Beijing Shoujia Notary Public Office specializes in traditional livelihood related services, mainly covering various domestic and foreign-related civil and economic notarization matters such as inheritance, entrustment, declaration, signature, text matching, certificate, evidence preservation and on-site supervision.

Address: 10th Floor, Wangyuan Tower, No.56, West Fourth Ring South Road, Fengtai District, Beijing

Tel.: 010-63814355

### **Shijingshan District**

**Beijing Yanjing Notary Public Office** The Beijing Yanjing Notary Public Office can

handle various domestic, foreign-related and Hong Kong/Macao related notarization matters. Its main business scope includes property inheritance and gifting, civil agreements, evidence preservation, on-site supervision, and etc.

Address: No. 66, Yangzhuang East Road, Shijingshan District, Beijing

Tel.: 010-68875084

WeChat Public Account:



### Mentougou District

**Beijing Huaxia Notary Public Office** The Beijing Huaxia Notary Public Office provides services related to domestic civil and economic matters as well as foreign civil and economic matters. Its main business scope includes inheritance, entrustment, declaration, contract (agreement), evidence preservation, on-site supervision, and etc.

Address: No.60 (Public Legal Service Center), Xinqiao Street, Mentougou District, Beijing

Tel.: 010-69843165

### Fangshan District

**Beijing Hengxin Notary Public Office** The business scope of Beijing Hengxin Notary Public Office mainly includes inheritance, will, entrustment, declaration and signature; property agreement and dismemberment; evidence preservation, on-site supervision and granting enforcement validity; various notarization services such as studying abroad and foreign language translation.

Address: 5th Floor, Building A, No. 23, Zhengtong Road, Liangxiang, Fangshan District, Beijing

Tel.: 010-69365827

WeChat Public Account:





**Beijing Jiacheng Notary Public Office** The business scope of Beijing Jiacheng Notary Public Office mainly includes notarizations and related legal consultation such as domestic civil, domestic economic, foreign-related civil and foreign-related economic notarizations.

Address: Room 412, Building C (Beijing Petrochemical New Materials Technology Industrial Base Building), No.6, East 1st Lane, Yanshan Gangnan Road, Fangshan District, Beijing

Tel.: 010-69344820/69337035

### **Tongzhou District**

**Beijing Luzhou Notary Public Office** The business scope of Beijing Luzhou Notary Public Office mainly includes traditional domestic notarizations such as will, inheritance, entrustment and declaration, foreign-related notarization such as studying abroad and investment immigration, as well as on-site supervision, evidence preservation and granting enforcement validity.

Address: 2nd Floor, Building C, Dongfang Hotel, No.48, Chezhan Road, Tongzhou District, Beijing

Tel.: 010-69557977

WeChat Public Account:



### **Shunyi District**

**Beijing Longcheng Notary Public Office** The Beijing Longcheng Notary Public Office handles domestic civil, foreign civil, economic and other notarial matters, as well as notarial affairs required by administrative regulations.

Address: 1st Floor, Tower C, Tianbo Center, Courtyard No.118, Nanfaxin Street, Nanfaxin Town, Shunyi District, Beijing

Tel.: 010-69441820

### **Changping District**

**Beijing Lizhao Notary Public Office** The Beijing Lizhao Notary Public Office handles domestic civil, foreign civil and other traditional notarial matters. It also provides notarial legal services related to district government activities, such as land acquisition for non-agricultural use, investigation and penalties for illegal construction.

Address: No.146, Donghuan Road, Changping District, Beijing

Tel.: 010-69742931

### **Daxing District**

**Beijing Zhicheng Notary Public Office** The Beijing Zhicheng Notary Public Office handles domestic civil and economic notarizations as well as notarizations involving foreign elements. Its services cover family affairs, personal rights and interests, various economic activities and international exchanges.

Address: 2nd Floor, No. 175, Huangcun Street, Daxing District, Beijing

Tel.: 010-69240442

### **Huairou District**

**Beijing Guotai Notary Public Office** The Beijing Guotai Notary Public Office handles domestic civil and economic notarizations as well as notarizations involving foreign elements, including key government projects and land acquisition for non-agricultural use.

Address: 5th Floor, No. 15, Yingbin Middle Road, Huairou District, Beijing

Tel.: 010-69603558

### **Pinggu District**

**Beijing Gongming Notary Public Office** The Beijing Gongming Notary Public Office handles a wide range of social and economic activities as well as civil matters for citizens. It also provides services to major banks and non-bank financial institutions.

Address: 2nd Floor, West Side of Pinggu Cinema, Pinggu District, Beijing

Tel.: 010-69963834

WeChat Public Account:



### **Miyun District**

**Beijing Yuyang Notary Public Office** The Beijing Yuyang Notary Public Office serves economic construction and matters related to people's livelihoods within its jurisdiction. It also provides legal services to the government and assists with judicial support for the courts.

Address: No. 60-2, Xinxi Road, Miyun District, Beijing

Tel.: 010-69085671

### **Yanqing District**

**Beijing Xiadu Notary Public Office** The Beijing Xiadu Notary Public Office is committed to the public welfare nature of notarization. It offers convenient services to

companies and the public, and provides notarization services to support the economic and social development within its jurisdiction.

Address: No.98, Dongwai Street, Yanqing District, Beijing

Tel.: 010-69101807

## VI . Foreign-related Litigation, Arbitration and Mediation Services

### 1. Foreign-related Litigation in Beijing

#### 1.1 Overview

Beijing courts at all levels have established a convenient, professional, efficient, and fair handling mechanism in the field of foreign-related litigation:

- Team of professional judicial talents: In response to the regional characteristics of the districts within its jurisdiction, Beijing courts at all levels have deepened the professional construction of foreign-related civil litigation. The courts focus on building a team of professional talents who are specialized in handling foreign-related litigations, aiming to provide equal legal protection for the parties involved in foreign-related cases and to meet their judicial needs.

- Multi-channel case accepting services: Beijing courts at all levels provide multi-channel case accepting services online and offline for parties involved in foreign-related cases. Both Chinese and foreign parties can file cases through online and offline methods. If the case filing materials are incomplete, the courts will fully inform and assist the parties involved in foreign-related cases to complete the case filing procedures.

- Pre-litigation mediation services: Beijing courts at all levels have effectively integrated various mediation resources prior to litigation. By working in conjunction with judicial administrative authorities, they have established the "Pre-litigation People's Mediation Committees" and have set up a specialized dispute resolution mechanism that connects with the courts for key areas such as Taiwan-related, overseas Chinese-related, and foreign-related commercial disputes.

- Online trial services: In addition to the traditional offline trial services, Beijing courts at all levels have also applied advanced technology to bring the legal procedures online, including evidence exchange, trial, and document delivery, facilitating the litigation process for the parties involved in foreign-related cases.

- Foreign law identification services: Beijing courts at all levels can provide foreign law identification services for the parties involved in foreign-related cases according to Article 2 of the *Interpretation of the Supreme People's Court on Several Issues Concerning the Application of the Law of the People's Republic of China on the Application of Law to Foreign-Related Civil Relations (II)*.
- Language assistance services: To enable the parties involved in foreign-related cases who have difficulties with Chinese reading and writing to enjoy the same legal services in the trial, Beijing Courts at all levels provide language assistance services.

## 1.2

### The Jurisdiction of Beijing Courts at All Levels over Foreign-Related Disputes

#### 1.2.1 Identification of Foreign-related Civil and Commercial Cases

According to Article 520 of the *Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China (Amended in 2022)* ("*Interpretation of Civil Procedure Law*"), a case which falls under any of the following circumstances can be deemed a foreign-related civil case by a people's court:

- 1) a party or both parties involved in the case are foreigners, stateless persons, foreign enterprises or organizations;
- 2) a party or both parties involved in the case have their habitual residence outside the territory of the People's Republic of China;
- 3) the subject matter involved is outside the territory of the People's Republic of China;
- 4) the legal fact that establishes, changes or terminates the civil relation occurs outside the territory of the People's Republic of China;
- 5) other circumstances under which a case may be deemed a foreign-related civil case.

According to Article 549 of *Interpretation of Civil Procedure Law*, a people's court may hear civil litigation cases involving the Hong Kong and Macao Special Administrative Regions and Taiwan region with reference to the special provisions on the foreign-related civil procedures.

#### 1.2.2 The Territorial Jurisdiction over Foreign-related Civil and Commercial Cases

According to Article 276 (1) of *Civil Procedure Law of the People's Republic of China (2023 Amendment)* ("*Civil Procedure Law*"), where an action for a foreign-related civil

dispute other than that involving identity relationship is against a defendant that has no domicile within the territory of the People's Republic of China, if the place where the contract is signed or performed, where the subject matter of the action is located, where any impoundable property is located, or where the tort is committed, or the place of domicile of the representative office is within the territory of the People's Republic of China, the people's court at the place where the contract is signed or performed, where the subject matter of the action is located, where the impoundable property is located, where the tort is committed, or where the domicile of the representative office is located may have jurisdiction over the action.

### **1.2.3 The Jurisdiction by Forum Level over Foreign-related Civil and Commercial Cases**

Article 3 of The Beijing Higher People's Court on Adjusting Jurisdiction over Some Foreign-Related Cases in Beijing Municipality provides that, the hierarchical jurisdiction over foreign-related commercial cases, foreign-related civil cases, and civil and commercial cases related to the foreign-invested enterprises such as civil and commercial cases concerning establishment, capital contribution, confirmation of shareholder status, profit distribution, merger, division, dissolution, and etc., and civil and commercial cases where one party is a wholly foreign-owned enterprise, as governed by Beijing courts, is as follows:

1) The primary people's courts shall have jurisdiction over foreign-related civil and commercial cases of first instance, except as otherwise provided by law or judicial interpretation.

2) The Fourth Intermediate People's Court of Beijing shall have centralized jurisdiction over the following foreign-related civil and commercial cases of first instance that shall be under the jurisdiction of the intermediate people's courts of this municipality:

① Foreign-related civil and commercial cases with a litigation subject matter of RMB 40 million or more;

② Foreign-related civil and commercial cases with complex case details or a large number of people in one party;

③ Other foreign-related civil and commercial cases with significant impacts in this municipality;

④ If there are other provisions by law or judicial interpretation regarding the jurisdiction of intermediate people's courts over foreign-related civil and commercial cases of first instance, the relevant provisions shall prevail.

3) The Beijing Higher People's Court shall have jurisdiction over the -related civil and



commercial cases of first instance with a litigation subject matter of RMB 5 billion or more or other cases that have significant impacts within its jurisdiction.

#### **1.2.4 The Right of Parties to Choose the Jurisdictional Court for Foreign-related Civil and Commercial Cases.**

Article 277 of *Civil Procedure Law* provides that, where the parties to a foreign-related civil dispute reach a written agreement on accepting the jurisdiction of the people's court, the case may be subject to the jurisdiction of the people's court.

Article 279 of *Civil Procedure Law* provides that, the following civil cases shall be subject to the exclusive jurisdiction of the people's court: (1) the litigation arising from a dispute concerning the establishment, dissolution or liquidation of a legal person or other organization established within the territory of the People's Republic of China, and the validity of resolutions made by such legal person or other organization; (2) the litigation arising from a dispute concerning the examination of the validity of intellectual property rights granted within the territory of the People's Republic of China; or (3) the litigation arising from a dispute concerning the fulfillment of a Sino-foreign equity joint venture contract, Sino-foreign cooperative joint venture contract, or Sino-foreign cooperative contract for the exploration and exploitation of natural resources within the territory of the People's Republic of China.

Article 282 (1) of *Civil Procedure Law* provides that, where a people's court accepts a foreign-related civil case and the defendant raises an objection to the jurisdiction, and the following conditions are met simultaneously, the people's court may rule that the litigation be rejected and advise the plaintiff to file a lawsuit with a more convenient foreign court: (1) the basic facts in dispute in the case did not occur within the territory of the People's Republic of China, and it is obviously inconvenient for the people's court to hear the case and for the parties to participate in the litigation; (2) there is no agreement between the parties on choosing the jurisdiction of the people's court; (3) the case does not fall within the exclusive jurisdiction of the people's court; (4) the case does not involve the sovereignty, security or public interests of the People's Republic of China; and (5) it is more convenient for the foreign court to hear the case.

Article 280 of *Civil Procedure Law* provides that, for the same dispute between the parties, where one party sues in a foreign court and the other sues in a people's court, or where one party sues in both a foreign court and a people's court, the people's court may accept the case if it has jurisdiction in accordance with Civil Procedure Law. Where the parties reach an exclusive jurisdiction agreement to choose the jurisdiction of a foreign court, which does not violate the provisions on exclusive jurisdiction herein and does not

involve the sovereignty, security or public interests of the People's Republic of China, the people's court may rule not to accept the action or render a ruling to dismiss the action if the action has been accepted.

## 1.3 The Methods for Parties to Participate in Foreign-Related Litigation

### 1.3.1 Filing Methods for Foreign-related Civil and Commercial Cases

There are several ways to file a foreign-related civil and commercial case:

On-site filing: Submit the filing materials in person at the court's filing department (litigation service center).

Mailing filing: Send the filing materials by mail (preferably using postal EMS) to the court's filing department (litigation service center).

Online filing: Submit the filing materials online via a mobile WeChat mini-program by searching for "People's Court Online Services Beijing" or by logging into the "Beijing Court Electronic Litigation Platform" on the internet.

### 1.3.2 Foreigners, Foreign Enterprises and Organizations Participating in Litigation

Article 521 of *Interpretation of Civil Procedure Law* provides that, foreigners participating in litigation shall submit the passport and other documents used for proving its identity; a foreign enterprise or organization that participates in an action shall submit to the people's court its identity certification documents which have been legalized by a notary office in the home country and authenticated by the Chinese embassy or consulate stationed in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by the People's Republic of China and that country. The person that participates in an action on behalf of a foreign enterprise or organization shall submit to the people's court the certificate on his or her right to participate in the action as the representative, which have been legalized by a notary office in the home country and authenticated by the Chinese embassy or consulate stationed in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by the People's Republic of China and that country. (Please note: China has joined the "*Convention Abolishing the Requirement of Legalization for Foreign Public Documents*" on March 8, 2023 ("*Convention*"). This *Convention* currently has 125 contracting states. According to the contents of the *Convention*, contracting states have abolished the embassy or consulate authentication process for the cross-border circulation of public documents. Instead, an "Apostille" issued by the competent authority of the issuing country is used to replace the "double certification" process, in order to confirm the authenticity of the

seal and signature on the document.) According to Article 5 of *Several Provisions of the Supreme People's Court on Providing Online Case Filing Services for Parties of Cross-Border Litigations* ("*Cross-Border Case Filing Provisions*"), where a foreigner, foreign enterprise or organization is located in a country which has not established diplomatic relations with China, such documents may be notarized by the notary offices of the country concerned and authenticated by the embassy or the consulate established by a third country which has diplomatic relations with China and is stationed in the country concerned, and then be authenticated by the Chinese embassy or consulate stationed in that third country. If the certification formalities have been specifically provided for by any international treaty or convention concluded or acceded to by the People's Republic of China and the country where a foreigner or a foreign enterprise or organization is domiciled or located, such provisions shall prevail, with the exception of the clauses on which the People's Republic of China has declared reservations. (Please note, according to Article 521 (4) of *Interpretation of Civil Procedure Law*, the aforementioned "country" refers to the country where a foreign enterprise or organization is established and registered, or it can also refer to a third country where business registration procedures have been completed by such enterprise.) Additionally, Article 8 of *Cross-Border Case Filing Provisions* provides that, the signing of powers of attorney by foreigners and the representatives of foreign enterprises and organizations within the territory of China shall be witnessed by judges, or the powers of attorney shall be notarized by the notary authorities of Mainland China.

Article 274 of *Civil Procedure Law* provides that, a foreigner, a stateless person or a foreign enterprise or organization that needs to be represented by a lawyer in instituting or responding to an action in a people's court must retain a lawyer of the People's Republic of China.

Besides, Articles 526 and 527 of *Interpretation of Civil Procedure Law* provide that, the foreign party in a foreign-related civil action may retain a person or lawyer, as a non-lawyer, with the same nationality as him or her to be his or her litigation representative; any official in the embassy or consulate of a foreign country in China may, upon entrustment of the citizen in his or her home country, serve as a litigation representative in his or her own name, however, such official will not be entitled to diplomatic or consular privileges or immunities in the litigation. An embassy or consulate of a foreign country in China may entrust its official to retain, under the name of a diplomatic representative, a lawyer of the People's Republic of China or a citizen of the People's Republic of China to be the civil litigation representative for a national of that foreign country when the national

of that foreign country is involved in a case and not within the territory of the People's Republic of China.

### **1.3.3 Residents, Enterprises and Organizations from the Hong Kong and Macao Special Administrative Regions Participating in Litigation.**

According to Articles 5 and 8 of *Cross-Border Case Filing Provisions*, a resident of the Hong Kong or Macao Special Administrative Regions ("Hong Kong and/or Macao SARs") shall submit the identity certificates of the Hong Kong or Macao SARs, Hong Kong and Macao residence permits, Mainland travel permits for Hong Kong and Macao residents, and other certificates used for proving their identity; an enterprise and organization shall submit identity certification documents and certification documents proving that the person participating in the litigation on behalf of the enterprise or organization has the right to participate in the litigation as a representative. The certification documents shall be notarized by a notary admitted by the authority of Mainland China, and be transmitted after being affixed with the seal of China Legal Service (Hong Kong) Ltd. or China Legal Service (Macao) Ltd.; where a power of attorney is signed in Mainland China, it shall be signed in the presence of a judge as a witness thereof or notarized by a notary authority of Mainland China.

According to Articles 526 and 549 of *Interpretation of Civil Procedure Law*, Hong Kong or Macao SARs parties may entrust individuals from their region to participate in litigation, or entrust lawyers of their region to serve as their non-lawyer representatives. The scope of representation of Hong Kong or Macao residents who have obtained the Mainland legal professional qualification and the Mainland lawyer's practice certificate in court for cases involving Hong Kong or Macao litigation shall comply with the provisions of the *Announcement No.136 of the Ministry of Justice—Announcement on the Scope of Hong Kong or Macao-Related Civil Cases Permitting the Representation of Hong Kong or Macao Residents Possessing Mainland's Legal Profession Qualification and Mainland's Lawyer License in People's Courts of the Mainland*.

### **1.3.4 Residents, Enterprises and Organizations from Taiwan Region Participating in Litigation.**

According to Articles 5 and 8 of *Cross-Border Case Filing Provisions*, a resident of the Taiwan Region shall submit identity certificates of the Taiwan Region, Taiwan residence permit, Mainland travel permit for Taiwan residents, and other certificates used for proving their identity; an enterprise and organization shall submit identity certification documents and certification documents proving that the person participating in the litigation on behalf of the enterprise or organization has the right to participate in the



litigation as a representative. The certification documents shall be handled through the channel for verifying the use of cross-strait notarial certificates; where a power of attorney is signed in Mainland China, it shall be signed in the presence of a judge as a witness thereof or notarized by a notary authority of Mainland China;

According to Articles 526 and 549 of *Interpretation of Civil Procedure Law*, Taiwan Region parties may entrust individuals from their region to participate in litigation, or entrust lawyers of their region to serve as their non-lawyer representatives. The scope of representation of Taiwan residents who have obtained the Mainland legal professional qualification and the Mainland lawyer's practice certificate in court for cases involving Taiwan litigation shall comply with the provisions of the *Administrative Measures for Taiwan Residents Possessing National Legal Profession Qualifications to Engage in Legal Profession in the Mainland (2017 Revision)*.

### **1.3.5 Mainland Citizens of the People's Republic of China with a Habitual Residence abroad or in the Hong Kong, Macao, and Taiwan Regions Participating in Litigation.**

According to Articles 5 and 8 of *Cross-Border Case Filing Provisions*, a citizen of Mainland China with habitual residence located in a foreign country or the Hong Kong, Macao or Taiwan Regions shall submit the resident ID card, residence booklet or ordinary passport and other certificates prepared and issued by the public security organ of China to prove their identity, and provide the work visa, residence permit and other documents proving that they have legally and continuously resided in such foreign country or Hong Kong, Macao or Taiwan Regions for more than one year. Where a power of attorney is sent or delivered under the entrustment by a citizen of Mainland China with habitual domicile located in a foreign country, it must be certified by the Chinese embassy or consulate stationed in the country concerned; in the case that there is no embassy or the consulate established by China in the country concerned, it shall be certified by the embassy or the consulate established by a third country which has diplomatic relations with China in the country concerned, and then be certified by the Chinese embassy or consulate stationed in such third country, or by the local patriotic overseas Chinese organization.

### **1.3.6 Cross-border Litigation Online Case Filing**

Starting from February 3, 2021, the Supreme People's Court has promulgated and implemented the *Cross-Border Case Filing Provisions*, and the people's courts have opened an online case-filing channel for foreign-related civil litigation, providing online case filing services for the first-instance civil and commercial lawsuits of cross-border litigation parties through the "China Mobile Mini Court".

Abovementioned "Cross-border litigation parties" shall include foreigners, residents of

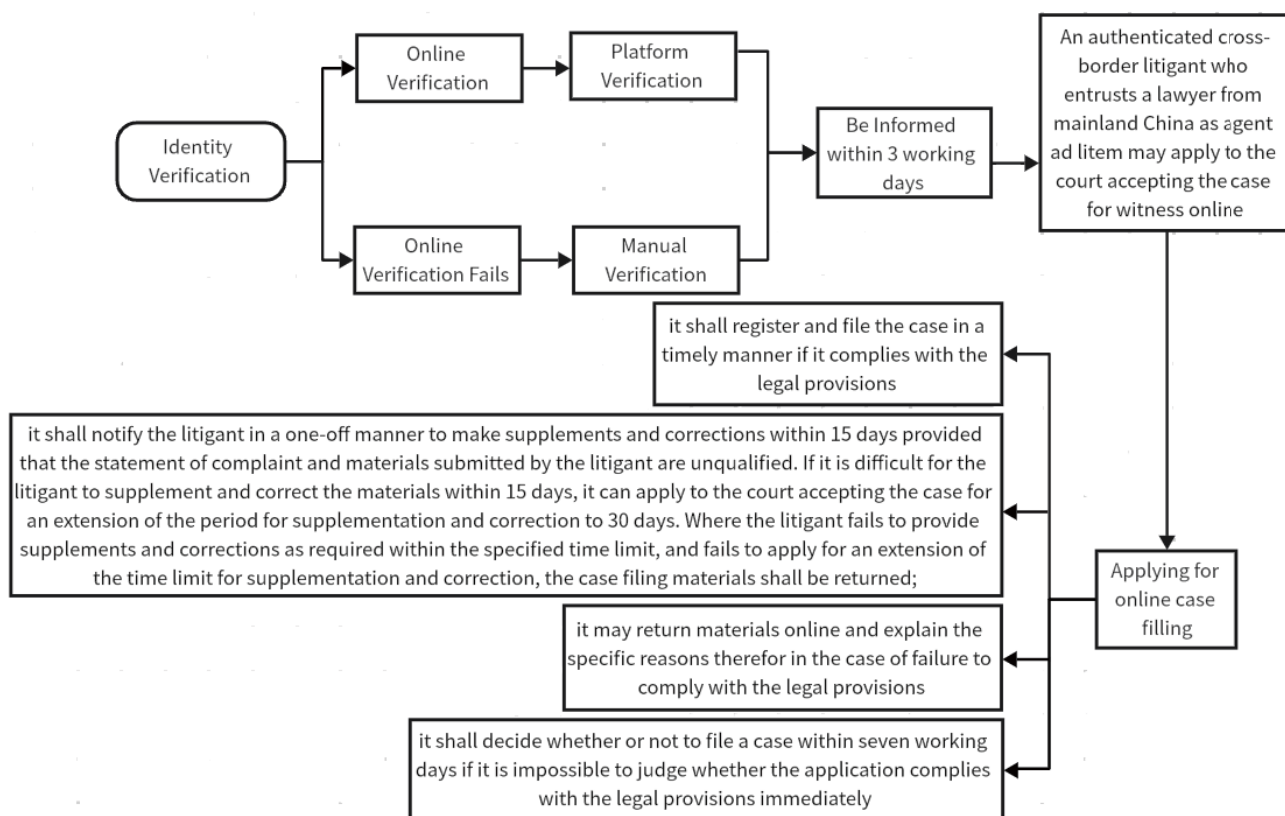
the Hong Kong and Macao SARs, and Taiwan Region, citizens of Mainland China with their habitual domiciles located in foreign countries or Hong Kong, Macao or Taiwan Regions, and enterprises and organizations registered in foreign countries or Hong Kong, Macao or Taiwan Regions.

According to Article 4 of *Cross-Border Case Filing Provisions*, where a cross-border litigant applies for online case filing for the first time, the court accepting the case shall verify its identity first. Identity verification shall be conducted online mainly by relying on such platforms as the National Immigration Administration's platform for the identity authentication of exit and entry certificates; if online verification fails, the court accepting the case shall carry out online verification of the litigant's identity certificates and identity certification materials manually, including materials related to the notarization, authentication, transmission, and verification by mail.

Article 6 of *Cross-Border Case Filing Provisions* provides that, an authenticated cross-border litigant who entrusts a lawyer from Mainland China as litigation representatives may apply to the court accepting the case for online video witnessing.

The online witness shall be launched by a judge online with the judge, the cross-border litigant and the agent lawyer participating in the online video at the same time. The cross-border litigant shall use the common language of the People's Republic of China or be provided with translators, and the judge shall confirm the agent lawyer and the law firm thereof as well as whether the act of entrustment is conducted on the basis of the true expression of the cross-border litigant's intent. Under the online witness of the judge, the cross-border litigant and the agent lawyer shall sign the relevant entrustment documents, without the need to go through the procedures of notarization, certification and transmission. After the witness gives evidence via video, the agent lawyer may carry out online case filing, online payment, and other matters on behalf of the litigant. The specific process is as follows:





### 1.3.7 Language and Document Requirements.

Article 273 of *Civil Procedure Law* provides that, in handling civil cases involving foreign parties, a people's court shall use the written and spoken language commonly used in the People's Republic of China. At the request of a party, translation may be provided at the expense of such party. Article 525 of *Interpretation of Civil Procedure Law* further provides that, where the written materials submitted by a litigant to a people's court are written in a foreign language, the litigant shall at the same time submit a copy of the Chinese translation of the materials to the people's court. Where the litigants have an objection to the copy of the Chinese translation of the materials, they shall jointly entrust a translation agency to provide a translated text; and where the litigants cannot reach consensus on the choice of a translation agency, such translation agency shall be determined by the people's court.

## 1.4

## Main Offices and Contact Information for Foreign-related Dispute Adjudication in Beijing Courts at All Levels

### 1.4.1 The Higher People's Court of Beijing Municipality

Foreign-related civil and commercial cases are accepted by the Case-accepting Division. Civil cases involving natural persons, and disputes between natural persons and legal persons or other organizations, are handled by the Civil Trial Division I. Commercial cases involving legal persons, and disputes between legal persons and other organizations, including those related to foreign countries, Hong Kong, Macao or Taiwan, are handled by the Civil Trial Division II. The specific contact information is as follows:

Address: No.10, Jianguomen South Street, Chaoyang District, Beijing.

Postal Code: 100022.

Transportation Routes: Take the bus numbering 20 (or 39, 43, 44 Inner Ring, 44 Outer Ring, 52, 122, 139, 637, 638) to Jianguomen South Station and can arrive directly; or take subway lines 1 and 2 to Jianguomen Station, exit at Gate B, and walk about 600 meters to the south to arrive.

Contact Numbers: 010-85268122, 010-85268520.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. In addition, the Higher People's Court of Beijing Municipality has an official website (<https://bjgy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 京法网事), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services."

### 1.4.2 The Fourth Intermediate People's Court of Beijing Municipality

Foreign-related and Hong Kong, Macao, and Taiwan related civil and commercial cases within the jurisdiction of Beijing (excluding foreign-related financial civil and commercial cases) are accepted by the accepting department and adjudicated by the Beijing International Commercial Tribunal. The specific contact information is as follows

Address: No.A3, Sanqingdi, Fengtai District, Beijing (formerly the Second Office Area of the First Intermediate People's Court of Beijing).

Postal Code: 100040.

Transportation Routes: Take the bus numbering 961 (or 574, 76) from Babaoshan Station on Line 1 of the subway to Wuzhuang South Station; or take the bus numbering 276

(or 546, 574, 598, 611, 612) to Wuzhuang South Station. Parking is inconvenient around the trial and office area, so it is recommended to use public transportation.

Contact Number: 010-89082500.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Beijing No.4 Intermediate People's Court has an official website (<https://bj4zy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 北京四中院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

### **1.4.3 The Beijing Intellectual Property Court**

The Beijing Intellectual Property Court does not have a specialized foreign-related civil adjudication division. Foreign-related intellectual property cases within the jurisdiction of Beijing are uniformly accepted by the accepting department, and are adjudicated by Trial Division I, Trial Division II, Trial Division III, or Trial Division IV. The specific contact information is as follows:

Address: No.18, Zhanghua Road, Haidian District, Beijing.

Postal Code: 100097.

Transportation Routes: 1. Take the bus numbering 414 and get off at the Haidian Wuluju Station, and then walk to Zhanghua South Road of Haidian District; 2. Take the bus numbering 611 and get off at the Sijiqing South Bridge Station, and then walk to Zhanghua South Road of Haidian District; 3. Take the Subway Line 6 (Haidian Wuluju direction), get off at Haidian Wuluju Station (Exit A Northwest) and then walk to Wulujuqiao Station; 4. Take the bus numbering 507 and get off at Zhanghuacun Road Station, and then walk to Zhanghua South Road of Haidian District; 5. Take the bus Yuntong line 124 and get off at Zhanghuacun Road Station, and then walk to Zhanghua South Road of Haidian District; 6. Take the Subway Line 6 (Haidian Wuluju direction), get off at Cishou Temple Station (Exit B Northeast) and then walk to Zhanghua South Road of Haidian District; 7. Take the Subway Line 10 (Outer Ring), get off at the Chedaogou Station (Exit A Northwest) and then walk to the Chedaogou Bridge West Station, and take Yuntong Line 124, get off at Zhanghuacun Road Station, and then walk to Zhanghua South Road of Haidian District.

Contact Number: 010-89082000.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Beijing Intellectual Property Court has an official website (<https://bjzcfy.bjcourt.gov.cn/>), a WeChat public account (name: 知产北京), and a litigation service hotline

12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.4 The Beijing Financial Court**

The Beijing Financial Court does not have a specialized foreign-related civil adjudication division. All types of foreign-related financial cases under the jurisdiction of the Beijing Financial Court are uniformly accepted by the accepting department (Trial Management Office). Foreign-related financial civil and commercial cases are adjudicated by Civil Trial Division I and Civil Trial Division II. The specific contact information is as follows:

Address: Building 1, No.59, Honglian South Road, Xicheng District, Beijing.

Postal Code: 100055.

Transportation Routes: Take Subway Line 7 and get off at Wanzi Station, then walk or transfer to other means of transportation to No.8 of Chama Street; or take the bus express direct line No.201, No.45, Special No.30, No.414, and get off at Honglian South Road Station to arrive directly.

Contact Number: 010-61306240.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Beijing Financial Court has an official website (<https://bjfc.bjcourt.gov.cn/index.html>), a WeChat public account (name: 北京金融法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.5 The Primary People's Court of Dongcheng District of Beijing Municipality**

The Primary People's Court of Dongcheng District of Beijing Municipality does not have a specialized civil foreign-related division. Civil cases within the entire district are uniformly accepted by the North District Case-accepting Division (Litigation Service Center) of the Dongcheng District Court. Civil foreign-related cases within the jurisdiction are adjudicated by the First Civil Division, in addition to which, commercial foreign-related cases within the jurisdiction are adjudicated by the Third Civil Division and the Temple of Heaven Dispatched People's Tribunal, and foreign-related intellectual property cases are adjudicated by the Third Civil Division (Intellectual Property Division). The specific contact information is as follows:

**Case-accepting Division (Litigation Service Center), the First Civil Division, Temple of Heaven Dispatched People's Tribunal**

Address: No. 1, Jiaodaokou East Street, Dongcheng District, Beijing.

Postal Code: 100007.

Transportation Routes:

By Bus: Take the bus numbering 13 (or 117, or 684) to Beixinqiao Intersection North; or take the bus numbering 116 (or 106) to Beixinqiao Intersection South; or take the bus numbering 107 (or 635, or 612) to Beixinqiao Intersection West and get off.

By Subway: Take subway line 5 to Beixinqiao Station, exit at Gate A.

By Car: On the Second Ring Road at Yonghegong Bridge, head south to the first traffic light and turn northwest; or on the Second Ring Road at Dongzhimen Bridge, head west to the second traffic light and turn northwest.

Contact Number: 010-64016395.

### **The Third Civil Division (Intellectual Property Division)**

Address: No. 10, Ding'anli, Dongcheng District, Beijing

Postal Code: 100075.

Transportation Routes:

By Bus: Take the bus numbering 7 (or 525, Special 11, or Yuntong 102) to Ding'an Road Station, or take subway line 5 to Puhuangyu Station, exit at Gate D, and then go west along Anlelin Road and turn left at the traffic light, and go along Jingtai Road and turn right at the traffic light, and go along Liuliacha Road and go west for 350 meters to arrive.

By Subway: Take subway Line 14 to Jingtai Station, exit at Gate B, and then go 280 meters along Anlelin Road, turn right into Jingtai Xili residential area alley, and go 340 meters along the alley, then turn right into Liujiayao Road, go 10 meters, and then turn left into the residential area alley, go 60 meters to arrive.

By Car: On the Second Ring Road at Jingtai Bridge, go south along Jingtai Road, and turn right at the second traffic light, and go west for 350 meters along Liujiayao Road.

Contact Number: 010-87895400.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Dongcheng District People's Court has an official website (<https://dcqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京市东城法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

### **1.4.6 The Primary People's Court of Xicheng District of Beijing Municipality**

The Primary People's Court of Xicheng District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related civil and commercial cases within the entire district can be accepted at the First Office Area, the Second Office Area, and the



Financial Street Dispatched People's Tribunal. Some civil foreign-related cases within the jurisdiction (property disputes) are adjudicated by the First Civil Division, in addition to which, other civil foreign-related cases and commercial foreign-related cases within the jurisdiction are adjudicated by the Second and Third Civil Divisions, and foreign-related intellectual property cases are adjudicated by the Fourth Civil Division (Intellectual Property Division).

### **The First Office Area**

Address: No.1, Houyingfang Hutong, Xicheng District

Postal Code: 100035.

Transportation Routes: Take the bus numbering 27 (or 44, 331, 347, 80, or 200 Inner Ring) to Xinjiekou Huokou Station; or take subway line 2 to Jishuitan Station.

Contact Numbers for the Second Civil Division: 010-82222037.

Contact Numbers for the Third Civil Division: 010-82222048.

Contact Numbers for the Fourth Civil Division (Intellectual Property Division): 010-82222049.

### **The Second Office Area**

Address: No. 50, Banbuqiao Street, Xicheng District

Postal Code: 100054.

Transportation Routes: Take the bus numbering 19 (or 48, 50, 59, 88, or 395) to Youanmen Nei Station; or take subway line 4 to Taoranting Station.

Contact Numbers for the First Civil Division: 010-82222704.

### **Financial Street Dispatched People's Tribunal (Fourth Office Area)**

Address: Building 2, No.4, Guangcheng Street, Xicheng District

Postal Code: 100033.

Transportation Routes: Take the bus numbering 7 (or 38, or 47) and get off at Bica Hutong Station; or take subway line 19 to Taipingqiao Station.

Contact Number: 010-82222142.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Xicheng District People's Court has an official website (<https://bjxcfy.bjcourt.gov.cn>), a WeChat public account (name: 北京西城法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

### **1.4.7 The Primary People's Court of Chaoyang District of Beijing Municipality**

The Primary People's Court of Chaoyang District of Beijing Municipality has a



specialized civil foreign-related division. Civil foreign-related cases within the entire district are accepted by the Olympic Village Dispatched People's Tribunal, while other foreign-related cases are accepted by the First Case-accepting Division (Litigation Service Center). Civil foreign-related cases within the jurisdiction are heard by the Olympic Village Dispatched People's Tribunal. In addition, commercial foreign-related cases within the jurisdiction (excluding financial disputes and intellectual property cases) are heard by the Second Civil Division, foreign-related financial dispute cases are heard by the Third Civil Division, and foreign-related intellectual property cases are heard by the Fifth Civil Division (Intellectual Property Division). The specific contact information is as follows:

**Olympic Village Dispatched People's Tribunal**

Address: West side of Courtyard No.10 of Shuangquanbao, Chaoyang District, Beijing (at the northeast corner of the intersection of Kehui West Road and Badaling Expressway, on the north of the Capital Dermatology Hospital, and on the east of Shuangquanbao bus station, the blue glass-fiber reinforced building.

Postal Code: 100102.

Transportation Routes: Get off at the Shuangquanbao bus station by the buses 625, 618, 518, 307, 607, 609, or 510.

Contact Numbers: 010-85998733, 010-86377768.

**The First Case-accepting Division (Litigation Service Center) and the Fifth Civil Division (Intellectual Property Division)**

Address: Buildings 7 and 8, Courtyard No.32, Guangshun North Street, Chaoyang District, Beijing.

Postal Code: 100102.

Transportation Routes: Take subway lines 14 or 15 to Wangjing Station, exit at the F Northeast exit, and then walk for 100 meters to the north; or take bus numbering 130 (or 404, 416, 451, 593, or 855) to Houzhuang Intersection South and get off.

Contact Numbers:

the First Case-accepting Division (Litigation Service Center): 010-85998486.

the Fifth Civil Division (Intellectual Property Division): 010-85998499.

**The Second Civil Division and the Third Civil Division**

Address: No.A 2, Chaoyang Park South Road, Chaoyang District, Beijing.

Postal Code: 100026.

Transportation Routes: Take the bus numbering 31 (or 117, 302, 419, 421, 431, 499, 635, 673, 682, or 988) to the Tianshuiyuan Street North Station (Chaoyang Park Station) and get off; or take subway line 14 to Chaoyang Park Station, exit at D2 (southwest exit), and walk

for 400 meters to the west to arrive.

Contact Numbers:

the Second Civil Division: 010-85998315, 010-85998087.

the Third Civil Division: 010-86377051.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Chaoyang District People's Court has an official website (<https://cyqfy.bjcourt.gov.cn>), a WeChat public account (name: 朝阳法苑), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.8 The Primary People's Court of Haidian District of Beijing Municipality**

The Primary People's Court of Haidian District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related civil cases outside the jurisdiction of the dispatched courts and some civil cases are accepted by the Case-accepting Division (Litigation Service Center), and cases within the corresponding jurisdiction are accepted at the dispatched courts. Civil foreign-related cases involving property rights, unjust enrichment, etc. within the jurisdiction are tried by the First Civil Division, other types of civil foreign-related cases within the jurisdiction are tried by the Second Civil Division, commercial foreign-related cases within the jurisdiction are tried by the Third Civil Division, financial-related foreign cases are tried by the Wenquan (Financial and Liquidation) Tribunal, and foreign-related intellectual property cases are tried by the Fifth Civil Division (Intellectual Property Division). Civil and commercial cases within the corresponding jurisdiction are tried by the dispatched courts. The specific contact information is as follows:

**The First Civil Division, the Fourth Civil Division, the Fifth Civil Division (Intellectual Property Division), the Sixth Civil Division, Case-accepting Division, the Wenquan (Financial and Liquidation) Tribunal**

Address: No.12, Danleng Street, Haidian District, Beijing.

Transportation Routes: Take the bus numbering 302 (or 307, 320, 332, 355, 365, 584, 614, 681, Special Line 15, Special Operation Line 106, or Yuntong Line 105) to Haidian Huangzhuang North Station; or take the bus numbering 304 (or 307, 386, 611, 630, 634, 671, Yuntong Line 109) to Haidian South Road Station; or take the bus numbering 681 to Haidian Middle Street Station, or take the subway Line 4 or 10 to Haidian Huangzhuang Station.

Contact Number of Court Office: 010-62697011; 010-62697395.

Contact Numbers for the Wenquan Tribunal: 010-62697216.

### **Fuxing Road Tribunal**

Address: Guanfang Building, No.18, Zhanghua Road, Haidian District, Beijing.

Transportation Routes: Take the subway Line 10 to Cishou Temple Station, or take the bus numbering 424 (or 644, 699, 450) to Yinghui Temple Bus Station.

Contact Numbers for the Fuxing Road Tribunal: 010-82956511.

Contact Numbers for the Sijiqing Tribunal: 010-82956318.

Fuxing Road Tribunal Case Filing Point: 010-82956205.

### **Dongsheng Tribunal**

Address: No.45, Chengfu Road, Haidian District, Beijing.

Transportation Routes: Take the bus numbering 307 (or 331, 375, 508, 549, 630, 86, Yuntong Line 126) to Wudaokou Station, or take the subway Line 13 to Wudaokou Station.

Contact Number: 010-62697949.

### **Shanhou Tribunal**

Address: Building 8, No.13, Cuihu South Ring Road, No. 160, Beiqing Road, Haidian District, Beijing.

Transportation Routes: Take the bus numbering 544 (or 633, 642) to Gaolizhang East Station, or take the bus numbering 544 (or 543, 902) to Sanxingzhuang South End Station, or take the subway Line 16 to Daoxianghu Road Station.

Contact Number: 010-62697971.

Case Filing Point: 010-62697972.

### **Shangdi Tribunal**

Address: Information Building, No.28, Shangdi Information Road, Haidian District, Beijing.

Transportation Routes: Take the bus numbering 328 (or 393, 432, 909, Yuntong Line 126, Special Line 28, 446, 518, Yuntong Line 105, Yuntong Line 118, Yuntong Line 205) to Shangdi Third Street East End, or take the bus numbering 328 (or 449, 476, Yuntong Line 108, 518, 577, Special Line 28) to Shangdi Third Street West End.

Contact Number: 010-62697722.

### **Zhongguancun Tribunal**

Address: No.10, Danleng Street, Haidian District, Beijing.

Transportation Routes: Take the bus numbering 302 (or 307, 320, 332, 355, 365, 584, 614, 681, Special Line 15, Special Operation Line 106, or Yuntong Line 105) to Haidian Huangzhuang North Station, or take the bus numbering 304 (or 307, 386, 611, 630, 634, 671, Yuntong Line 109) to Haidian South Road Station, or take the bus numbering 681 to

Haidian Middle Street Station, or take the subway Line 4 or 10 to Haidian Huangzhuang Station.

Contact Number: 010-62697813.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Haidian District People's Court has an official website (<https://bjhdfy.bjcourt.gov.cn>), a WeChat public account (name: 北京海淀法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.9 The Primary People's Court of Fengtai District of Beijing Municipality**

The Primary People's Court of Fengtai District of Beijing Municipality does not have a specialized civil foreign-related division. Civil foreign-related cases within the entire district are accepted by the Case-accepting Division (Litigation Service Center). Civil cases involving property rights, unjust enrichment, and etc. within the jurisdiction are tried by the First Civil Division, other types of civil foreign-related cases within the jurisdiction are tried by the Second Civil Division, commercial foreign-related cases within the jurisdiction are tried by the Third Civil Division, and intellectual property foreign-related cases are tried by the Fourth Civil Division (Intellectual Property Division). Civil cases within the corresponding jurisdiction are tried by the dispatched courts. The specific contact information is as follows:

**Case-accepting Division (Litigation Service Center), the First Civil Division, the Second Civil Division, the Fourth Civil Division (Intellectual Property Division), Lugou Bridge Dispatched People's Tribunal:**

Address: No.9, Jinyuan Road, Fengtai District, Beijing.

Postal Code: 100071.

Transportation Routes: Take the bus numbering 310 (or 335, 340, 351, 354, 480, 604, 657, 689, 736, 740, 840, 913, 959, 967, 969, 998, Special Line 7, or Yuntong Line 115) to Chalukou Station, get off and walk back, turn east at the traffic light to Jinyuan Road, and then walk about 600 meters on the east, turn left at the three-way intersection after passing the Fengtai Procuratorate, and walk about 100 meters to the north. Or take the bus numbering 323 (or 323 Express, 458, 480, 531, 604, 654, 687, 699, 830, 830 Express, 839, 840, 969, 971, 973, 998, or Special Line 7), and get off at Qilizhuang Station, walk to the west (if you get off at the north side of the road, you need to cross the overpass), and then turn to the south at the three-way intersection and walk for about 100 meters, and cross the Zhuangwei Garden Community to the west. Or take the bus numbering 335 (or 451, 477,

658, or 77) to Dongdajie North End Station, and then walk to the south to the traffic light, and turn west and walk for about 400 meters, then turn right at the traffic light, and walk for about 100 meters to the north. Or take the subway Line 9 to Qilizhuang Station, exit from Exit A2, and walk for about 200 meters to the west, cross the overpass and walk for about 100 meters south, and cross the Zhuangwei Garden Community to the west.

Contact Numbers for Case-accepting Division: 010-83287788; 010-83827548.

Contact Number for Lugou Bridge Dispatched People's Tribunal: 010-83827667.

Contact Number for the First Civil Division: 010-83827150.

Contact Number for the Second Civil Division: 010-83827384.

Contact Number for the Fourth Civil Division: 010-83827365.

### **The Third Civil Division**

Address: No. 16, Outer Ring West Road, Science and Technology Park, Fengtai District, Beijing.

Transportation Routes: Take the bus numbering 959 to Zhonghe Road Intersection Station, and walk to the north to the crossroads, and then turn left and walk for about 250 meters to the west along Hangfeng Road to the Outer Ring West Road, and then turn left and go about 100 meters (on the right side of the road).

Contact Number: 010-83287342.

### **Wangzuo Dispatched People's Tribunal**

Address: Nangong Road, Wangzuo Town, Fengtai District, Beijing.

Transportation Routes: Take the bus numbering 321 (or 458, 459, 836 Interval, 951, or 983) to Nangong Station or Nangong East Station, walk to the east for about 100 meters.

Contact Numbers: 010-83827419; 010-83827368.

### **Fangzhuang Dispatched People's Tribunal**

Address: Building 2, Area 1, Fangcheng Garden Community, Fangzhuang, Fengtai District, Beijing.

Transportation Routes: Take the bus numbering 122 (or 12, 352, 434, 51, 684, 741, 750, 750 Express, 91, Temporary Station Line 352, Special Line 12, or Special Line 3) to Zuo'anmen Outer Station, and walk to the north about 200 meters, and turn left at the traffic light, and then enter the community on the north side of the road (Fangcheng Garden Area 1, Building 2).

Contact Numbers: 010-83827435; 010-83827226.

### **Huaxiang Dispatched People's Tribunal**

Address: No.168, Jijiamiao (formerly Baomai Alcohol Raw Material Factory), Fengtai District, Beijing.



Transportation Routes: Take the bus numbering 351 (or 49, 67, 691, 692, or Special Line 4) to Jijiamiao Station, and turn right at the traffic light and walk to the east along Jijiamiao Road and Liucun Road for about 600 meters; or take the bus numbering 300 (or 300 Express, 324, 351, 368, 483, 49, 631, 631 Express, 654, 678, 67, 691, 692, 698, 820, 839, 971, 973, 977, 978, 988, 993, 998, Special Line 8, Special Line 8 Express, Yuntong Line 103, or Yuntong Line 108) to Xiajia Hutong Station, and walk to the south along Jijiamiao Road and Liucun Road for about 800 meters.

Contact Number: 010-83827454.

### **Youanmen Dispatched People's Tribunal**

Address: Building 18, Area 2, Cuilin Community, Youanmen Outer Street, Fengtai District, Beijing.

Transportation Routes: Take the bus numbering 19 (or 377, 454, 474, 48, 72, or 88) to Cuilin Community Station, and walk to the east for about 300 meters after getting off at the traffic light, and then enter Cuilin Community.

Contact Number: 010-83827474.

### **Nanyuan Dispatched People's Tribunal**

Address: Buildings 11 and 12, Nanyuan West Road, Fengtai District.

Transportation Routes: Take the subway Line 4 to Xingong Station, go out from Exit C, and then walk for about 400 meters to the east to Dahua Supermarket on Nanyuan West Road.

### **Changxindian Dispatched People's Tribunal**

Address: 500 meters from the south side of Dujiakan Roundabout, and on the west of the road (on the south side of Changxindian Village Committee), Fengtai District.

Transportation Routes: Take the bus numbering 459 (or 952, 897, 837, 896, 329, 391, 983, 339, or 662), and get off at Dujiakan South Station and walk for about 500 meters to the south, or get off at Changxindian North Station and walk for about 500 meters to the north. Driving route: Exit at Dujiakan on G4 Beijing-Hong Kong-Macao Expressway, and go west for about 500 meters at Dujiakan Roundabout.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Fengtai District People's Court has an official website (<https://ftqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京丰台法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.



#### **1.4.10 The Primary People's Court of Shijingshan District of Beijing Municipality**

The Primary People's Court of Shijingshan District of Beijing Municipality does not have a specialized civil foreign-related division. Civil cases within the entire district are uniformly accepted by the Case-accepting Division (Litigation Service Center) of the court's main body. Civil and commercial foreign-related cases within the jurisdiction are heard by the First Civil Division and the Second Civil Division. Additionally, commercial foreign-related cases within the jurisdiction are heard by the Third Civil Division, and foreign-related intellectual property cases are heard by the Intellectual Property Division. Civil and commercial cases within the corresponding jurisdiction are heard by the Wulituo Dispatched People's Tribunal. The specific contact information is as follows:

**Case-accepting Division (Litigation Service Center), the First Civil Division, the Second Civil Division, the Third Civil Division, the Intellectual Property Division, the Wulituo Dispatched People's Tribunal:**

Address: No.169, Fushi Road, Shijingshan District, Beijing.

Postal Code: 100043.

Transportation Routes: Take the bus numbering 318 (or 399 (Inner Ring), 399 (Outer Ring), 598, 663, or 396) and get off at Huangnanyuan Community South Station; or take the bus numbering 921 (or 977 Express, or 358) and get off at Yangzhuang East Station; or take subway line 6 and get off at Yangzhuang Subway Station.

Contact Number: 010-68899888.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Shijingshan District People's Court has an official website (<https://sjsqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京石景山法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.11 The Primary People's Court of Mentougou District of Beijing Municipality**

The Primary People's Court of Mentougou District of Beijing Municipality does not have a specialized civil foreign-related division. Civil cases within the entire district are uniformly accepted by the Case-accepting Division of the court's main body. Civil foreign-related cases within the jurisdiction (with real estates as the subject matters or the cases applying special procedures) are adjudicated by the First Civil Division. In addition, commercial contract cases within the jurisdiction are adjudicated by the Second Civil Division, and property rights disputes involving movable subject matters are adjudicated by the Third Civil Division. Civil and commercial cases within the areas of Junzhuang

Town, Miaofengshan Town, Wangping Town and Datai Street Office are adjudicated by the Wangping Village Dispatched People's Tribunal, while first-instance civil and commercial cases within the areas of Yanchi Town, Zhai Tang Town and Qingshui Town are adjudicated by the Zhai Tang Dispatched People's Tribunal. The specific contact information is as follows:

**Case-accepting Division, the First Civil Division, the Second Civil Division, the Third Civil Division**

Address: No.74, Binhe Road, Mentougou District, Beijing.

Postal Code: 102300.

Transportation Routes: Take the bus numbering 941 to Binhe Community Station to arrive directly; or take the bus numbering 960 to Deluyuan Community Station and walk 300 meters on the west to arrive; or take the bus numbering 977 to Pudong Community Station to arrive directly; or take the bus numbering 101 (or 370, 992, 981, BRT-4) to Shuangyu Roundabout West and transfer to the bus numbering 960 to Deluyuan Community Station, and then walk 300 meters on the west to arrive, or transfer to the bus numbering 941 to Binhe Community Station to arrive directly.

Contact Numbers for Case-accepting Division: 010-61868012.

Contact Number: 010-61868000.

**Wangping Village Dispatched People's Tribunal**

Address: No.9, Wangping Street, Wangping Town, Mentougou District, Beijing.

Postal Code: 102301.

Transportation Routes: Take the bus numbering 892 (or 929) to Wangping Village Station and walk 200 meters on the north to the west side of the road to arrive.

Contact Number: 010-61859615.

**Zhaitang Dispatched People's Tribunal**

Address: No.10, Zhaitang Street, Zhaitang Town, Mentougou District, Beijing.

Postal Code: 102309.

Bus Routes: Take the bus numbering 892 (or 929 Branch 2) to Zhaitang Town Government Station and walk 100 meters on the west to arrive.

Contact Number: 010-69816645.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Mentougou District People's Court has an official website (<https://mtgqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京门头沟法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-

related adjudication services

#### **1.4.12 The Primary People's Court of Tongzhou District of Beijing Municipality**

The Primary People's Court of Tongzhou District of Beijing Municipality does not have a specialized civil foreign-related division. Civil foreign-related cases are accepted by the Case-accepting Division (Litigation Service Center), and can also be accepted at the dispatched courts within their respective jurisdictions. The first instance of some civil foreign-related cases in Beiyuan, Yuqiao, Linheli, Zhongcang, Xinhua and Yangzhuang streets of Tongzhou District, and a part of Yongshun Town (west side area of the Wenyu River) are tried by the First Civil Division. In addition, commercial foreign-related cases in the aforementioned jurisdictions are tried by the Second Civil Division. Cases related to 1. major projects and key projects caused by the construction of the deputy center and the coordinated development of Beijing-Tianjin-Hebei; 2. cases related to the construction of Beijing's "two zones"; 3. some new types of financial cases; 4. other cases with significant impact and exemplary significance on the construction of the deputy center, as well as civil cases with specific entities as parties, are tried by the Third Civil Division. Intellectual property foreign-related cases are tried by the Fifth Civil Division (Intellectual Property Division). The specific contact information is as follows:

##### **Case-accepting Division (Litigation Service Center), the First Civil Division, the Second Civil Division, the Third Civil Division**

Address: Southwest side of Liyuan Dongli North District, Tongzhou District, Beijing.

Postal Code: 101100.

Transportation Routes: Take the bus numbering 806 (or 647, or 668) to Liyuan Dongli Station, and then walk to the west side of the traffic light, and then walk for about 150 meters to the south to arrive.

Contact Number for Case-accepting Division: 010-81553705.

Contact Number for the First Civil Division: 010-81553550.

Contact Number for the Second Civil Division: 010-01553329.

Contact Number for the Third Civil Division: 010-81553922.

##### **Songzhuang Dispatched People's Tribunal**

Address: East courtyard of the Songzhuang Town Government, at south side of the 102 National Road, Songzhuang Town, Tongzhou District, Beijing.

Transportation Routes: Transfer to the bus numbering 809 from West Street and then get off at Xiagongzhuang Station.

Contact Number: 010-81553170.

### **Majuqiao Dispatched People's Tribunal**

Address: No.4, Industrial Road, Majuqiao Town, Tongzhou District, Beijing.

Transportation Routes: Take the bus numbering Tong 45.

Contact Number: 010-81553970.

### **Zhangjiawan Dispatched People's Tribunal**

Address: Guanghua Road, Zhangjiawan Town, Tongzhou District, Beijing.

Transportation Routes: Take the bus numbering 805 to Zhangjiawan Development Zone Station, and then walk for 1,500 meters to the south.

Contact Numbers: 010-81553409; 010-81553775.

### **Huoxian Dispatched People's Tribunal**

Address: Huoxing First Street, Huoxian Town, Tongzhou District, Beijing.

Transportation Routes: Take the bus numbering 805 to the Green Garden Community, and walk for 500 meters to the east, and then turn right into Huoxing First Street; or take the bus numbering T103 (or Commuting 000, or Tong 9) to Huoxian Town Government, and walk for 500 meters to the south, then turn right into Huoxing First Street; or take the bus numbering 938 or Tong 26 to Fenggang Base, and walk for 400 meters to the west.

Contact Numbers: 010-80834712, 010-81553877.

### **Taihu Dispatched People's Tribunal**

Address: North of Xingguang Second Street, Taihu Town, Tongzhou District, Beijing.

Transportation Routes: Take the bus numbering Tong 11 to Taihu People's Tribunal Station.

Contact Number: 010-81553270.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Tongzhou District People's Court has an official website (<https://tzqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京市通州区人民法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.13 The Primary People's Court of Fangshan District of Beijing Municipality**

The Primary People's Court of Fangshan District of Beijing Municipality does not have a specialized civil foreign-related division. Civil foreign-related cases within the entire district are accepted by the court's Case-accepting Division (Litigation Service Center). Cases related to civil construction engineering within the jurisdiction are tried by the First Civil Division, and foreign-related commercial cases within the jurisdiction are tried by the Second Civil Division. Cases that are diverted for the balance of caseload among

various trial courts are tried by the Comprehensive Division. In addition, The Primary People's Court of Fangshan District of Beijing Municipality has six subordinate people's courts, each responsible for trying civil and commercial cases within their respective jurisdictions. Among them, Changgou Dispatched People's Tribunal is acting as the Fund Industry Court. The specific contact information is as follows:

**Case-accepting Division (Litigation Service Center), the First Civil Division, the Second Civil Division, the Comprehensive Division**

Address: No. 10, Zhengtong Road, Liangxiang Town, Fangshan District, Beijing.

Postal Code: 102488.

Contact Numbers for Case-accepting Division: 010-80381045; 010-80381161.

Contact Number: 010-89366877.

**Chengguan Dispatched People's Tribunal**

Address: No. 4, Chengguan Enterprise Street, Fangshan District, Beijing.

Contact Number: 010-80381411.

**Doudian Dispatched People's Tribunal**

Address: Liulidian Village, Liulihe Town, Fangshan District, Beijing (beside the Liulihe Police Station).

Contact Number: 010-80381433.

**Changgou Dispatched People's Tribunal**

Address: Changgou Town, Fangshan District, Beijing (about 200 meters from the Changgou Town Government, adjacent to the Changgou Branch of Beijing Rural Commercial Bank).

Contact Number: 010-80381455.

**Changyang Dispatched People's Tribunal**

Address: West side of the Second Phase of Changyang Shouchuang Outlets, Fangshan District, Beijing (south side of Jingliang Road).

Contact Number: 010-80381498.

**Yanshan Dispatched People's Tribunal**

Address: No. 7, Yingfeng Xinghua East Road, Yanshan, Fangshan District, Beijing.

Contact Number: 010-69341496.

**Hebei Dispatched People's Tribunal**

Address: Dongzhuangzi Village, Hebei Town, Fangshan District, Beijing.

Contact Number: 010-80381134.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions.



Additionally, the Fangshan District People's Court has an official website (<https://fsqfy.bjcourt.gov.cn>), a WeChat public account (name: 北京房山法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.14 The Primary People's Court of Shunyi District of Beijing Municipality**

The Primary People's Court of Shunyi District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related civil cases within the entire district are accepted by the court's main body, the Mediation-Litigation Coordination Center, Houshayu Dispatched People's Tribunal, Tianzhu Dispatched People's Tribunal, Niulanshan Dispatched People's Tribunal, Lisui Dispatched People's Tribunal and Yangzhen Dispatched People's Tribunal. Foreign-related civil cases within the jurisdiction (such as construction contracts, loan disputes, and etc.) are tried by the First Civil Division, foreign-related commercial cases within the jurisdiction are tried by the Second Civil Division, and foreign-related civil cases (such as sales contract disputes, and etc.) within the jurisdiction are tried by the Third Civil Division. Depending on the specific area, foreign-related civil and commercial cases can also be tried by various dispatched courts allocated by the district court. The specific contact information is as follows:

##### **Court's Main Body**

Address: No.1, Fuqian East Street, Shunyi District.

Transportation Routes: About 1000 meters on the east from Exit B of Shunyi Station of Line 15 of the subway.

Contact Number: 010-69434111.

##### **Houshayu Dispatched People's Tribunal**

Address: No.28, Shuangyu Street, Houshayu Town, Shunyi District.

Transportation Routes: Get off at Huoshenying West by taking the bus numbering Shun 26, or get off at Huoshenying by taking the bus numbering 915 Slow, or get off at Houshayu Station on Line 15 of the subway.

Contact Number: 010-80494959.

##### **Tianzhu Dispatched People's Tribunal**

Transportation Routes: Get off at Tianzhu Health Center by taking the bus numbering Shun 3, 22, or 42, or by buses numbering 955 or 980. Or take Line 15 of the subway to Guozhan Station and transfer to the bus numbering 850 to get off at Tianzhu Health Center.

Contact Number: 010-69459548.

##### **Niulanshan Dispatched People's Tribunal**

Address: No.8, South Hospital Road, Niulanshan Town, Shunyi District.



Transportation Routes: Get off at Niushan Community by taking the bus numbering Shun 14, 34, 21, or 27, or by bus numbering 856, or get off at Niushan Market by the bus numbering 916.

Contact Number: 010-69434407.

**Lisui Dispatched People's Tribunal**

Address: No.19, Market North Road, Lisui Town, Shunyi District.

Transportation Routes: Get off at Liugezhuang South Station by taking the bus numbering Shun 28, and then walk forward for 30 meters to the Beijing Rural Commercial Bank intersection, and then walk to the east for 900 meters.

Contact Number: 010-89481852.

**Yangzhen Dispatched People's Tribunal**

Address: No.1, Fuqian Street, Yangzhen Town, Shunyi District.

Transportation Routes: Get off at Yangzhen Station by taking the bus numbering Shun 19, 20, 39, 33, or 23, or the bus numbering 918, and then walk to the north for 200 meters, then can see the government building and turn to the east for 100 meters.

Contact Number: 010-69434462.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Shunyi District People's Court has an official website (<https://bjsyfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 顺义法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

**1.4.15 The Primary People's Court of Changping District of Beijing Municipality**

The Primary People's Court of Changping District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related and Hong Kong, Macao and Taiwan-related civil cases within the entire district are accepted by the court's main body and various dispatched courts (Xiaotangshan Tribunal, Huilongguan Tribunal, Shahe Tribunal, Nankou Tribunal, Tiantongyuan Tribunal and Beiqijia Tribunal), and are tried by the First Civil Division. The specific contact information is as follows:

**The First Civil Division of the Court's Main Body**

Address: No.62, West Ring Road, Changping District, Beijing.

Postal Code: 102200.

Transportation Routes: Walk 1.4 kilometers from Exit C of Changping Station on the Changping Line of the subway. Bus Stop: South West Ring Road Station (Express Route 345, Direct Express Route 345, or Route 357).

Contact Number: 010-80122137.

**Case-accepting Division (Mediation-Litigation Coordination Center)**

Address: No.9, Xinghuo Street, Changping District, Beijing.

Transportation Routes: Bus Stops: Innovation Middle Station (Route 52 of Changping); Baifuquan Station (Routes 889, 889 Interval, Express Direct Line 12, Express Direct Line 138); Chaoqian Road Station (Route 590).

Contact Number: 010-80122828.

**Xiaotangshan Tribunal**

Address: No.87, Shunsha Road, Changping District, Beijing (East side of Xiaotangshan People's Government Road).

Transportation Routes: Bus Stop: Xiaotangshan Town Government Bus Station (Routes 643, 905, 945, Changping 15, Changping 15 Branch, Changping 51).

Contact Number: 010-80122768.

**Beiqijia Tribunal**

Address: Block B, Hongxianghong Business Building, Yaoguang Road, Beiqijia Town, Changping District, Beijing.

Transportation Routes: Bus Stops: South End of Yaoguang Road Station (Routes 463, Special 35); Beiqijia Industrial Park Station (Routes 533, 871, C120, Changping 63).

Contact Number: 010-80122567.

**Huilongguan Tribunal**

Address: Currently it shares the office address with the Beiqijia Tribunal (Block B, Hongxianghong Business Building, Yaoguang Road, Beiqijia Town, Changping District, Beijing).

Transportation Routes: Bus Stops: South End of Yaoguang Road Station (Routes 463, Special 35); Beiqijia Industrial Park Station (Routes 533, 871, C120, Changping 63).

Contact Number: 010-80122616.

**Shahe Tribunal**

Address: South of No.6 Courtyard, West Evergrande (Hengda) City, North Third Street, Gaojiaoyuan (Higher Education Park), Shahe Town, Changping District, Beijing.

Transportation Routes: Bus Stops: Beijiejiayuan Eighth Sub-istrict North Station (Routes C104, Gaojiaoyuan Temporary Microcirculation Inner Ring, Outer Ring); West of North Fourth Street Station of Gaojiaoyuan (Routes C116, Patrol Bus Line 121 Morning, Evening, or Special 74); North Third Street of Gaojiaoyuan Station (Routes C104, Express Direct Line 127, Express Direct Line 134, or Special 74).

Contact Number: 010-80122667.

### **Nankou Tribunal**

Address: West of Longhutai Village, Nankou Town, Changping District, Beijing.

Transportation Routes: Bus Stops: West of Hongnigou Station (Routes Changping 11, Changping 11 Beizhuang, Changping 33); Hongnigou Station (Routes 357, 357 Wangyugou Section, 357 Xifengshan Section, 376).

Contact Number: 010-80122718.

### **Tiantongyuan Tribunal**

Address: Building 75, East First Sub-district, Tiantongyuan, Dongxiaokou Town, Changping District, Beijing.

Transportation Routes: Tiantongyuan South Station on Line 5 of the subway (1.4 kilometers away). Bus Stop: East Gate of Tiantongyuan Second Sub-district Station (Bus Special 137); West Gate of Tiantongyuan Fourth Sub-district Station (Routes 530, 620, Express Direct Line 183, Night 26, or Special 48).

Contact Number: 010-80122517.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Changping District People's Court has an official website (<https://cpqfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 昌法微播报), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.16 The Primary People's Court of Daxing District of Beijing Municipality**

The Primary People's Court of Daxing District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related and Hong Kong, Macao and Taiwan-related civil cases within the entire district are accepted by the Case-accepting Division and are tried by the First Civil Division and various dispatched courts (Huangcun Dispatched People's Tribunal, Hongxing Dispatched People's Tribunal, Economic and Technological Development Zone Dispatched People's Tribunal, Panggezhuang Dispatched People's Tribunal, Yufa Dispatched People's Tribunal, Anding Dispatched People's Tribunal, and Caiyu Dispatched People's Tribunal). The specific contact information is as follows:

##### **Court's Main Body, Huangcun Dispatched People's Tribunal**

Address: No.8, Jinxing West Road, Huangcun Town, Daxing District, Beijing.

Postal Code: 102627.

Transportation Routes: Take the bus numbering 410 (or 610, 829, 841, 842, 937, 940, 954, or 968) to Hongcun Station; or take the bus Xing 36 to Gaomidian South Station;

or take the bus Xing 11, or Xing 24 to Jinxing West Road; or take the Daxing Line of the subway to Gaomidian South Station.

Contact Number: 010-57362877;

Contact Numbers for Huangcun Dispatched People's Tribunal: 010-57362513.

### **Hongxing Dispatched People's Tribunal**

Address: East side of National Highway 104, Yinghai Town, Daxing District (300 meters on the north of Yinghai Town Government).

Transportation Routes: Take the bus numbering 453 (or 341, or 926) to Yinghai Intersection Station.

Contact Number: 010-57362264.

### **Economic and Technological Development Zone Dispatched People's Tribunal**

Address: Courtyard No.5, Guiyuan Middle Road, Yizhuang Town, Daxing District.

Transportation Routes: Take the bus Xing 15, or Xing 16 to Fuyuanli Station; or take the Yizhuang Line of the subway to Yizhuangqiao Station.

Contact Number: 010-57362781.

### **Panggezhuang Dispatched People's Tribunal**

Address: No.1, Pangxin Road, Panggezhuang Town, Daxing District.

Transportation Routes: Take the bus numbering 937, or 842 to Guaxiangqiao Station.

Contact Number: 010-57362527.

### **Yufa Dispatched People's Tribunal**

Address: North side of Yufa Town Government, Daxing District.

Transportation Routes: Take the bus numbering 943 (or 842, or 937) to Yufa Town Government Station.

Contact Number: 010-57362218.

### **Anding Dispatched People's Tribunal**

Address: No.6, Dingkang Road, Anding Town, Daxing District (north side of Anding Town Government).

Transportation Routes: Take the bus numbering 841 (or 35, or 18) to Anding Town Government Station.

Contact Number: 010-57362260.

### **Caiyu Dispatched People's Tribunal**

Address: No.25, Caiyu Street, Caiyu Town, Daxing District.

Transportation Routes: Take the bus numbering 940 to Caiyu Town Station; or take the bus numbering 926 to Caiyu Middle Street Station.

Contact Numbers for Caiyu Dispatched People's Tribunal: 010-57362219.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Daxing District People's Court has an official website (<https://bjdxfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 北京大兴法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.17 The Primary People's Court of Huairou District of Beijing Municipality**

The Primary People's Court of Huairou District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related civil and commercial cases within the entire district are accepted by the court's Case-accepting Division and the Tanghekou Tribunal Case-accepting Division, with foreign-related civil cases within the jurisdiction being tried by the First Civil Division, and foreign-related commercial cases being tried by the Second Civil Division. The specific contact information is as follows:

##### **Case-accepting Division of the Court's Main Body**

Address: Building 1, No.13, Quanhe Fifth Street, Huairou District, Beijing.

Contact Number: 010-89689374.

##### **Tanghekou Tribunal**

Address: 150 meters from the southwest of the intersection of No.46 of Tanghekou Street and Jiuchang East Road, Huairou District, Beijing.

Contact Number: 010-89689456.

##### **Court's Main Body**

Address: No. 59, Qingchun Road, Huairou District, Beijing.

Postal Code: 101400.

Transportation Routes: Take the bus numbering 916 from Dongzhimenwai Station to Huairou Bus Station, and then transfer to the bus numbering 862 (outer ring) and then get off at the south end of Hongluo Road, and walk for 500 meters to the north and arrive at the west side of the road; or take the bus numbering 867 from Dongzhimenwai Station to get off at Huairou Court.

Contact Number: 010-89689191.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Huairou District People's Court has an official website (<https://hrqfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 北京怀柔法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.



#### **1.4.18 The Primary People's Court of Pinggu District of Beijing Municipality**

The Primary People's Court of Pinggu District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related civil and commercial cases within the entire district are accepted by the court's main body registration point, and the foreign-related civil cases are tried by the First Civil Division, while the Second Civil Division tries foreign-related commercial cases within the jurisdiction. The specific contact information is as follows:

Address: No.21, Fuqian West Street, Pinggu District (Pinggu Court North Building, at the first floor lobby).

Postal Code: 101200.

Transportation Routes: Take the bus numbering 852 from Dongzhimen Station to Yingbinhuandao Station, then walk for 720 meters.

Contact Numbers: 010-89982985, 010-69962648.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Pinggu District People's Court has an official website (<https://pgqfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 平法e联), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

#### **1.4.19 The Primary People's Court of Miyun District of Beijing Municipality**

The Primary People's Court of Miyun District of Beijing Municipality does not have a specialized civil foreign-related division. Foreign-related and Hong Kong, Macao and Taiwan-related civil cases within the entire district are accepted by the court's main body and various dispatched courts (Jugezhuang Tribunal, Xitiangezhuang Tribunal, Xiwengzhuang Tribunal and Taishitun Tribunal), with the First Civil Division responsible for adjudication. The specific contact information is as follows:

##### **Court's Main Body Case-accepting Division, the First Civil Division**

Address: No.5, Xidaqiao Road, Miyun District, Beijing.

Transportation Routes: Take the bus numbering 980 and get off at Xidaqiao Station, then walk to the west for about 100 meters; or take the bus numbering Mi 6 or Mi 7 and get off at the Court Station.

Contact Number: 010-69092822.

##### **Jugezhuang Tribunal**

Address: Shuiyu Village, Jugezhuang Town, Miyun District, Beijing (west side of Jugezhuang Town Government, and north side of Jugezhuang Police Station).



Transportation Routes: Take the bus numbering Mi 5 to Jugezhuang Middle School Station, and then walk to the north for about 400 meters.

Contact Number: 010-69092265.

#### **Xitiangezhuang Tribunal**

Address: Southeast of Xitiangezhuang Town Government, Miyun District, Beijing.

Transportation Routes: Take the bus numbering Mi 7 to Liquid Gas Station and get off.

Contact Number: 010-69092291.

#### **Xiwengzhuang Tribunal**

Address: 100 meters from the east of Xiwengzhuang Town Government, Miyun District, Beijing.

Transportation Routes: Take the bus numbering 987 or Mi 8 to Xiwengzhuang Town Government Station, then walk to the east for about 100 meters.

Contact Number: 010-69092230.

#### **Taishitun Tribunal**

Address: No.38, Central Street, Taishitun Town, Miyun District, Beijing.

Transportation Routes: Take the bus numbering 25 (or 38, or 51) to Taishitun and get off.

Contact Number: 010-69092202.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Miyun District People's Court has an official website (<https://bjmyfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 密云法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

### **1.4.20 The Primary People's Court of Yanqing District of Beijing Municipality**

The Primary People's Court of Yanqing District of Beijing Municipality's main office area is the court's main body, with three dispatched courts under it: Badaling Tribunal, Shenjiaying Tribunal and Yongning Tribunal. The Case-accepting Division of the court's main body and the Case-accepting Division of Yongning Tribunal are responsible for the case filing, and the trials are conducted by the First Civil Division and the Second Civil Division. The specific contact information is as follows:

#### **Court's Main Body**

Address: No. 20, Hunan West Road, Yanqing District, Beijing.

Transportation Routes: Take the bus numbering Y09 inner (or Y09 outer, or Yanqing No. 3) to Yanqing Court Station to arrive directly.

Postal Code: 102100.

Contact Number: 010-61115124.

### **Yongning Tribunal**

Address: Near Yongning West Pass on Yanliu Road, Yanqing District, Beijing.

Transportation Routes: Take the bus numbering 873 (or 925, Yanqing bus Y11, Y12, Y13, Y13 branch, Y14, or Y16) to Yongning West Pass Station to arrive directly.

Contact Number: 010-61115425.

Parties can use the above contact information to reach out to the relevant offices to inquire about case progress, obtain information, or raise questions and suggestions. Additionally, the Yanqing District People's Court has an official website (<https://bjyqfy.bjcourt.gov.cn/index.shtml>), a WeChat public account (name: 延庆法院), and a litigation service hotline 12368 to help parties access the latest updates and relevant information on foreign-related adjudication services.

## **2. Foreign-Related Commercial Arbitration Services in Beijing**

### **2.1 Overview**

Foreign-related commercial arbitration, or international commercial arbitration, refers to the international commercial disputes that the parties voluntarily submit to the permanent arbitration institutions or ad hoc arbitration tribunals for an arbitration, as they have reached an arbitration agreement before or after the dispute arises. As part of the ADR (Alternative Dispute Resolution) mechanism, the foreign-related commercial arbitration offers flexibility and diversified options in dispute resolution, aiming to accommodate the specific needs of different parties. In foreign-related disputes, the convenience of enforcements of arbitral awards internationally attracts more commercial parties to choose arbitration as their dispute resolution mechanism in comparison to the litigation.

In comparison to litigation and other ADR mechanisms, arbitration expresses its unique features. Parties involved in commercial arbitration, guided by the principle of party autonomy, should carefully evaluate the arbitrability of their disputes and consider various options in their arbitration agreements. These options include selecting arbitration institutions, determining the arbitration seat, choosing applicable laws, and deciding on

the language of arbitration, and need to be considered before finalizing the agreement.

Beijing has three commercial arbitration institutions: the China International Economic and Trade Arbitration Commission (CIETAC), the China Maritime Arbitration Commission (CMAC), and the Beijing Arbitration Commission / Beijing International Arbitration Center (BAC/BIAC). Each of these institutions is equipped to handle and resolve foreign-related commercial disputes.

Beijing is establishing the international commercial arbitration center now. *The Regulations of the Construction of the Beijing International Commercial Arbitration Center* has been listed on the 2024 legislative work plan of the Standing Committee of the Beijing Municipal People's Congress, and the arbitration institutions in Beijing have already signed cooperative agreements with more than 80 international arbitration institutions and organizations. Beijing is constantly expanding international exchanges and cooperation among global arbitration community, making continuous efforts to establish a group of foreign-related legal professions, and enabling new development of the city by establishing Beijing as an international commercial arbitration center.

## 2.2 Features of Foreign-Related Commercial Arbitration

Arbitration has the following features as compared to other forms of dispute resolution:

### 2.2.1 Respecting the Autonomy of Will of the Parties Concerned

In an arbitration, the parties have extensive autonomy, allowing them to select the arbitration institutions, seats, arbitrators, hearing venues, languages, rules and applicable laws. The parties may also agree on the procedural issues, such as how the hearings are conducted and evidence and opinions are presented, enabling them to tailor the arbitration process for their specific requirements.

### 2.2.2 The Finality of Arbitration Award

Both court judgments and arbitral awards are binding and enforceable for the parties. However, unlike court judgments, arbitral awards are final and binding under the *Chinese Arbitration Law*. While a court may set aside an arbitral award where the award was issued or refuse to recognize and enforce it when the enforcement is sought, the grounds for challenging the validity of the awards are very limited and typically restricted to the procedural issues. Additionally, the arbitral award remains effective until a final negative court decision is rendered.

### 2.2.3 Confidentiality

Arbitration cases are conducted in private. The entire arbitration process, including the submission of evidence, hearings, and awards, is confidential and restricted to the involved parties, ensuring that no information is disclosed to third parties. This confidentiality effectively safeguards trade secrets and protects business reputations of the parties.

### 2.2.4 The Recognition and Enforcement of Foreign Arbitration Award

Currently, 172 countries are signatories to the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (the "New York Convention") dated in the year of 1958, allowing arbitral awards issued in one signatory country to be recognized and enforced in another one. Additionally, awards can be enforced under other international conventions and treaties related to arbitration. China became a party to the *New York Convention* in 1987, and Chinese arbitral awards have since then been enforced in numerous jurisdictions.

## 2.3 The Scope of Foreign-Related Commercial Arbitration

The scope of commercial arbitration is also referred to as the issue of "arbitrability". Articles 2 and 3 of the *China's Arbitration Law* define the scope of disputes that are arbitrable and those that are not.

According to Article 2, disputes arising from contracts and other property rights between citizens, legal entities, and other organizations with equal civil status are arbitrable. This provision establishes three principles regarding the scope of arbitration: first, eligible civil parties, which include domestic and foreign legal entities, individuals, and organizations with independent legal status; second, the parties must have the right to dispose of the subject matter in dispute; third, the dispute must arise from contractual relationships or involve property rights and interests.

Article 3 specifies that certain disputes are not arbitrable, including those related to marriage, adoption, guardianship, support, and inheritance, as well as administrative disputes that must be handled by administrative bodies according to the law. In general, disputes involving personal relationships and administrative matters are not subject to arbitration and must be resolved through litigation. However, certain disputes involving personal or administrative relationships that contain civil or commercial contractual elements—such as a loan agreement between a married couple unrelated to their marital

status, or a purchase agreement between a government entity and a supplier—are still considered "contractual disputes or disputes over property rights and interests" under Article 2. Additionally, labor disputes between employees and employers are not arbitrable under commercial arbitration.

Regarding the foreign-related elements in arbitration, the relevant rules can be found in *China's Civil Procedure Law* and the *Law on the Application of Laws to Foreign-Related Civil Relations*. For the disputes involving foreign elements, the parties have the right to choose foreign arbitral institutions and apply foreign laws to resolve the dispute.

## 2.4 Common Questions About Foreign-Related Commercial Arbitration

### 2.4.1 Drafting of Foreign-Related Commercial Arbitration Agreements

Arbitration agreements may include the clauses within relevant contracts or a separate written agreement of arbitration may be reached, either before or after a dispute arises. A valid arbitration agreement must include the following key elements: (i) a request for arbitration, (ii) the matters to be arbitrated, and (iii) the designated arbitration institution. If the arbitration agreement involves a foreign institution or applies foreign law, there must be a foreign element involved in the dispute; otherwise, the agreement may be deemed invalid.

In a foreign-related arbitration agreement, parties could also agree on additional matters such as the arbitration seat, applicable laws, and arbitration language, in addition to the usual options like the arbitration institution, composition of the arbitral tribunal, and hearing venue.

### 2.4.2 Preservations in Foreign-Related Commercial Arbitration

Before or during arbitration, parties can apply for preservation measures to secure the enforcement of a potential award. Under *China's Civil Procedure Law* and *Arbitration Law*, preservation measures enforced by the courts include asset preservation, evidence preservation and injunctions. In practice, claimants may directly apply to the court for pre-arbitration preservation. Alternatively, they may apply to the arbitration institution during arbitration, which will then forward the application to the court.

In international arbitration, these preservation measures are known as "interim measures." There is ongoing debate about whether Chinese courts should enforce the interim measures issued by foreign arbitral institutions or tribunals. However, under the 2019 *Arrangement Concerning Mutual Assistance in Court-Ordered Interim*



*Measures in Aid of Arbitral Proceedings between Mainland China and the Hong Kong Special Administrative Region*, the 2022 *Arrangement Concerning Mutual Assistance in Preservation in Arbitral Proceedings by the Courts of the Mainland and of the Macao Special Administrative Region*, the enforcement of interim measures and preservation orders between Mainland China and Hong Kong and Macao has been established.

### **2.4.3 Enforcement of Foreign-Related Commercial Arbitration Awards**

Parties to an arbitration are expected to comply with the arbitral award. If one party fails to do so, the other party can apply to a competent court for enforcement.

#### **I. Enforcement of Awards in Mainland China.**

If the respondent's domicile or assets are located in Mainland China, whether the award is foreign-related or domestic, the claimant may apply to the relevant intermediate people's court for enforcement.

#### **II. Enforcement of Awards Involving Hong Kong SAR, Macao SAR and Taiwan Region.**

Based on the arrangements between the Supreme People's Court and the courts in Hong Kong SAR and Macao SAR, and *the Regulations on the Relationship between the Mainland China and the Taiwan Region*, arbitral awards issued in Mainland China can be enforced in these regions, and vice versa.

#### **III. Enforcement of Awards under the *New York Convention*.**

If the respondent is domiciled or holds assets in a country that is a signatory to the 1958 *New York Convention*, the claimant can apply to a competent court in that country to enforce an award issued by a Chinese arbitral institution, and vice versa.

### **2.4.4 Judicial Review of Foreign-Related Commercial Arbitration**

Judicial review of arbitration supports and protects the legitimate exercise of parties' rights while supervising improper arbitration practices.

In China, judicial review involves several procedures: i. applications to confirm the validity of an arbitration agreement; ii. applications to annul arbitral awards issued by arbitral institutions in Mainland China; iii. applications to deny enforcing the awards issued by arbitral institutions in Mainland China; iv. applications to recognize and enforce awards from Hong Kong SAR, Macao SAR and Taiwan Region; v. applications to recognize and enforce foreign arbitral awards.

The first type of judicial review focuses on the validity of the arbitration agreement, which shall be conducted before the issuance of arbitral award. The other four types review the validity of the arbitral award, which shall be carried out after the award is issued. Chinese courts are promoting their pro-arbitration approach now, by applying strict standards when invalidating an arbitration agreement or award and only allowing

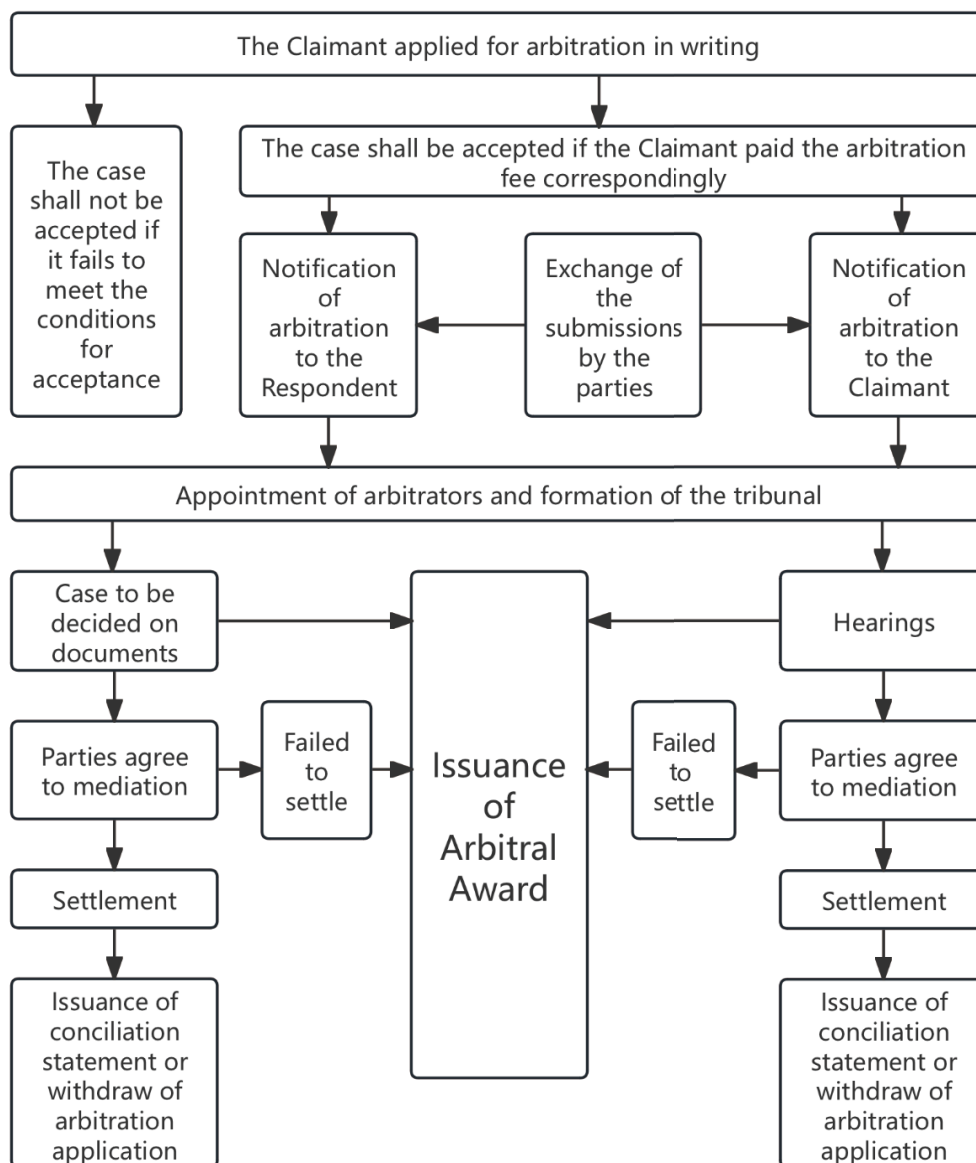


challenges on limited procedural grounds. Courts generally do not invalidate awards solely due to errors in deciding the merits of the case.

In Beijing, the No.4 Intermediate People's Court has jurisdiction over all foreign-related arbitration review cases, including preservation, enforcement, and validity confirmation applications. The Beijing Financial Court handles all financial arbitration-related judicial reviews submitted to any of Beijing's courts.

## 2.5 Practical Guidance on Arbitration

### 2.5.1 Default Proceedings of Arbitration



### 2.5.2 Main Documentations to Initiate an Arbitration

#### (1) Submission of Arbitration Application and Evidences

The application for arbitration shall include: the names and addresses of the Claimant and the Respondent with postal codes, telephone numbers, fax numbers, E-mails or other means of electronic communication, the arbitration agreement which the Claimant relied on, the general facts and issues of the case, the sought relief and the evidences.

The application for arbitration shall be signed and/or sealed by the Claimant and/or by an agent authorized by the Claimant. The Claimant may amend its arbitration claims during the proceeding, unless the arbitral tribunal considers the amendment is submitted too late in the proceeding.

Evidences should be clear, complete and paginated and attached with an index of the name, contents of the evidences and the corresponding page numbers.

#### (2) Identification of the Claimant

If the Claimant is a company, a copy of the company's business license and the original identification of the legal representative shall be submitted. If the Claimant is an individual, copies of identification documents such as ID card/passport shall be submitted.

#### (3) Power of Attorney ("POA")

The POA shall be stamped by the legal entity or other organization, signed by the authorized representative, or signed by the individual. The POA for arbitration shall be distinguished to the POA for litigation, such as "appointing A as the arbitration representative for this case". Special authorizations should be specified, such as signing the arbitration application, recognizing, waiving and amending the arbitration claims, appointment of arbitrators and the the right to settle, and etc.

#### (4) Preservations/Interim Measures

The Claimant could submit its application for preservations or interim measures. For the case that the Claimant should provide the competent court for forwarding its application, the address, postal code and/or telephone number of that court shall be provided in writing.

## 2.6 Foreign-Related Commercial Arbitration Institutions in Beijing

### (1) China International Economic and Trade Arbitration Commission (CIETAC)

- Model Clause

Any dispute arising from or in connection with this Contract shall be submitted to

China International Economic and Trade Arbitration Commission (CIETAC) for arbitration which shall be conducted in accordance with the CIETAC's arbitration rules in effect at the time of applying for arbitration. The arbitral award is final and binding upon both parties.

- Contact Information

Address: 6th Floor, International Chamber of Commerce Building, No. 2, Huapichang Hutong, Xicheng District, Beijing, China

Zip code: 100035

Fax: 010-82217766/64643500

Email: [info@cietac.org](mailto:info@cietac.org)

Tel.: 010-82217788/64646688

Website: [www.cietac.org](http://www.cietac.org)

## **(2) China Maritime Arbitration Commission (CMAC)**

- Model Clause

Any dispute arising from or in connection with this contract shall be submitted to China Maritime Arbitration Commission (CMAC) for arbitration in accordance with CMAC Arbitration Rules for the time being in force at the time of applying for arbitration. The arbitral award is final and binding upon all parties.

- Contact Information

Address: 16th Floor, International Chamber of Commerce Building, No. 2, Huapichang Hutong, Xicheng District, Beijing, China

Zip code: 100035

Fax: 010-82217966

E-mail: [cmac@cmac.org.cn](mailto:cmac@cmac.org.cn)

Tel.: 010-82217900/82217920

Website: [www.cmac.org.cn](http://www.cmac.org.cn)

## **(3) Beijing Arbitration Commission (BAC)/ Beijing International Arbitration Center (BIAC)**

- Model Clause

All disputes arising from or in connection with this contract shall be submitted to Beijing Arbitration Commission/Beijing International Arbitration Center for arbitration in accordance with its rules of arbitration. The arbitral award is final and binding upon both parties.

- Contact Information

Address: 16th Floor, China Merchants Tower, No.118, Jianguo Road, Chaoyang District, Beijing, China

Zip code: 100022

Fax: 010-65668078

E-mail: [bjac@bjac.org.cn](mailto:bjac@bjac.org.cn)

Tel.: 010-85659500/85659501

Cases Filing Tel.: 010-85659505/85659506

Intelligent Tel.: 010-65669856

Website: [www.bjac.org.cn](http://www.bjac.org.cn)

### 3. The Service of Foreign-Related Mediation

#### 3.1

#### Types of Foreign-related Disputes Accepted by Mediation Institutions and Organizations

##### 3.1.1 Mediation Institutions and Organizations

The economics and society of Beijing is developing rapidly, especially, there is a huge demand for the resolution of various foreign-related civil and commercial disputes. Mediation, as an important mechanism for resolution of disputes, has been developed well in Beijing in recent years, and a number of mediation organizations of various types of legal entities have emerged. Among them, the Beijing Association for Alternative Dispute Resolution ("BJADR") is the first provincial-level self-regulating organization in China to provide services for industry-specific and professional mediation organizations. It is a hub-type social organization determined by the CPC Beijing Municipal Committee's Social Work Committee. This non-profit social organization was voluntarily initiated by the mediation work organizations in the Beijing area, retired senior judges, and experts, scholars, and mediators with certain legal backgrounds, and was approved and registered by the Beijing Municipal Civil Affairs Bureau. According to the relevant documents from the CPC Beijing Municipal Committee and Municipal Government, "promote the role of the BJADR as a hub-type social organization, establish and implement institutional norms for the qualification admission, education, training, performance assessment, and evaluation and supervision of mediation organizations and mediators, assist courts in managing the rosters of specially invited mediation organizations and mediators, and guide member units to actively undertake various mediation cases entrusted by the courts, working in

collaboration with the people's mediation committees to resolve conflicts in industry and professional fields."

Till now, BJADR has mediated cases with a total value exceeding 80 billion yuan, with more than 500,000 cases successfully settled, and has conducted professional mediator training activities for 6,506 people (all free of charge). In terms of internationalization, BJADR has successfully conducted exchanges and training with multiple internationally renowned mediation organizations, learning advanced international mediation practices from them, and enhanced its foreign-related mediation service capabilities. BJADR actively promotes the resolution of industry-specific and professional conflicts and disputes within the corresponding mediation organizations, and promotes judicial reform through "litigation-mediation linkage", and has established cooperation with a number of well-known arbitration institutions, including the China Maritime Arbitration Commission, to help divert disputes and provide parties with convenient, efficient and legal paths to resolve disputes.

Additionally, several independent mediation centers, such as the Beijing Arbitration Commission Mediation Center, the Belt and Road International Commercial Mediation Center, and the Mediation Center of the China Council for the Promotion of International Trade (China Chamber of International Commerce), which possess abundant resources and extensive experience in dispute resolution, have been successively established and are playing important roles. Various mediation organizations and institutions can well meet the service needs of foreign-related mediation in Beijing.

Moreover, mediation organizations and institutions play an important role in resolving foreign-related disputes for enterprises. For example, State-owned enterprises and well-known domestic and international companies based in Beijing, such as CITIC Construction, CSCEC International, Lenovo Group, Syngenta, Inspur Information, and etc., have established close connections with the mediation institutions, forming internal mediation organizations and preventive mechanisms, thereby enhancing their ability to independently resolve disputes. The active participation of industry-specific and professional expert witnesses and the specialized opinion support institutions in mediation, represented by organizations such as Zhongtian Decheng International Consulting (Beijing) Co., Ltd., also highlights the advantages of the mediation mechanism in resolving foreign-related disputes.

### **3.1.2 Types of Foreign-related Disputes Accepted by Mediation Institutions and Organizations**

All mediation institutions and organizations have mediators with rich professional

knowledge and can handle various types of disputes, including disputes in the fields of the internet, intellectual property, E-commerce, construction engineering, software and information services, finance and securities, investment and financing, culture, art, entertainment, insurance, aviation, logistics, and so on.

## 3.2

### Process and Important Considerations for Parties to Participate in Foreign-related Mediation

#### 3.2.1 Process for Parties to Participate in Foreign-related Mediation

The process for parties to participate in foreign-related mediation at BJADR can be summarized as follows:

- ① The parties apply for mediation online;
- ② The case administrator reviews and registers the case;
- ③ The association appoints a mediator; if the parties choose their own mediator, they must select from the list of mediators before the case is assigned;
- ④ The mediator prepares for the mediation, contacts both parties, collects parties' information, or guides parties to log in to the mediation application website, delivers the mediation application and evidence online, enters the parties' identity and agent information, uploads relevant materials, sets up an online mediation room, and the system sends an online notification; for on-site mediation, mediator notifies the parties the mediation time and location;
- ⑤ The mediator organizes and conducts the mediation session;
- ⑥ Parties form mediation agreements;
- ⑦ The mediator guides the parties to voluntarily fulfill their payment obligations or guides the parties in applying for confirmation of the enforceability of the mediation agreement.

#### 3.2.2 Important Considerations for Foreign-Related Mediation

When participating in foreign-related mediation, parties should pay attention to the following important matters:

- ① Choosing the Right Mediation Institution: Parties may choose a mediation institution that best fits the type of dispute they have.
- ② Understanding the Mediation Process and Rules: Parties should be familiar with the mediation process, including the commencement, proceedings, formation of the agreement, and the conclusion of the mediation.



③ Considering Cultural and Language Factors: Foreign-related mediation may involve communication in different cultures and languages. Parties should consider these factors and seek the help of professional translators or mediators with the corresponding cultural background when necessary.

④ Adhering to Mediation Confidentiality Principles: If the information involved in the mediation process needs to be kept confidential, parties should ensure that they comply with the relevant confidentiality principles during the mediation process.

⑤ Preparing Relevant Evidence and Materials: Parties should prepare all evidence and materials related to the dispute to effectively support their positions during the mediation process.

⑥ Complying with Laws and Regulations: The mediation agreement reached by the parties must not violate any mandatory provisions of relevant laws.

### 3.3

## Directory and Contact Information of Major Foreign-related Mediation Institutions and Organizations in Beijing

Major foreign-related mediation institutions in Beijing include:

(1) China Council for the Promotion of International Trade / China International Chamber of Commerce Mediation Center

Tel.: 010-82217081

(2) International Commercial Mediation Center of Beijing Association for Alternative Dispute Resolution

Tel.: 010-65680031

(3) Beijing Arbitration Commission / Beijing Arbitration Commission Mediation Center

Tel.: 010-65669856

(4) International Commercial Mediation Center for the Belt and Road



北京市律师协会微信公众号