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**Guiding Opinions on Standardizing Application of Law and Strengthening
Search for Similar Precedents (Trial)**

In order to standardize the application of law and lift the judicial credibility, the following opinions on the People's Courts' search for similar precedents, with trial work put into combined consideration, are put forward.

Rule 1. The similar precedents mentioned in these Opinions refer to cases that are similar to the pending cases in terms of such aspects as the basic facts, focuses of disputes, application of law and that have been effectively judged by the People's Courts.

Rule 2. Search for similar precedents shall be conducted where any of the following scenarios arises when the People's Courts handle cases.

1. A case to be submitted to the conference of professional (presiding) judges or the judicial committee for discussion;
2. A case where explicit judging rules are unavailable or no consistent rules have been established;
3. A case where a Court President or Tribunal Chairperson requires search for similar precedents according to his jurisdiction over trial supervision and administration; or
4. Other cases where similar precedents need to be searched.

Rule 3. The judges in charge shall search for similar precedents in the China Judgments Online and the Database of Chinese Trial Cases and be responsible for the authenticity and accuracy of the search.

Rule 4. The scope of search for similar precedents shall generally include:

1. The Supreme People's Court's announced guiding cases;
2. The Supreme People's Court's announced typical cases and effectively judged cases;
3. The High People's Courts' announced reference cases and effectively judged cases in the same province, autonomous region, or municipality; and
4. The cases effectively judged by a higher People's Court one level above or the same Court.

In addition to the guiding cases, priority search shall be conducted inside the precedents during the recent three years. Where a similar precedent is found in a higher tier, further search may be stopped.

Rule 5. Search for similar precedents may be conducted according to the key words, relevant articles of the law, or relevance of cases.

Rule 6. The judges in charge shall verify and compare the similarity between the pending cases and the search results and decide whether the cases are similar.

Rule 7. In the cases where similar precedents shall be conducted according to these Opinions, the judges in charge shall explain or make specialized similar precedent search report on the similar precedent search and archive the same for future reference during the course of collegiate bench deliberation or the conference discussion of professional (presiding) judges and trial reports.

Rule 8. Similar precedent search explanation or report shall be made objectively, fully and accurately, include the searching party, time, platforms, method, results, the key points of the similar precedents and the focus of disputes of the pending cases, and analyze and explain the results used such as whether the similar precedents are followed or referred to.

Rule 9. Where a located similar precedent is a guiding case, a People's Court shall follow the case to make a judgment, unless the case contradicts with the new law, administrative regulations, or judicial interpretation or has been replaced by a new guiding case.

Where other tiers of similar precedents are located, the People's Courts shall take them as reference for judgment.

Rule 10. Where the public prosecution organs, the parties concerned and the counsels and lawsuit agents submit guiding cases as their grounds for complaint or defense, the People's Courts shall reply in the judgment text and explain the reasons whether or not to follow or refer to. Where other tiers of similar precedents are submitted as their grounds for complaint or defense, the People's Courts may reply through such means as elucidatory explanation.

Rule 11. Where the law is inconsistently applied in the located similar precedents, the People's Courts may put into comprehensive consideration such elements as the Courts' levels, date of judgments, whether the judicial committee had discussion to make resolutions under the provisions of the Supreme People's Court's Implementing Rules on Establishing the Mechanism to Resolve Disputes Over Legal Application.

Rule 12. The People's Courts at different levels shall enthusiastically push forward the work of searches for similar precedents, enhance technological research and development and training of applications, to make the search for similar precedents more intelligent and accurate.

The High People's Courts shall make full use of the modern information technology to build up case database and lay solid foundation for the nationwide authoritative case database.

Rule 13. The People's Courts at different levels shall regularly sum up and sort out the searches for similar precedents, and announce in a certain form inside the Courts or the Courts in their jurisdiction, for the judges' reference in trying cases and report to the trial supervision and administration division of a higher People's Court one level above.

Rule 14. These Opinions shall be implemented on a trial basis as from July 31, 2020.

Note: This is not the Supreme People's Court's official translation. If discrepancies arise, the original official Chinese version prevails.