

上海金融法院

金融民商事、行政一审诉讼指南

一、原告向人民法院起诉，应当递交起诉状、并按照被告人数提交副本。起诉状应整洁，不得涂改。起诉状应当经本人亲笔签名，如原告系法人或其他组织，应当加盖公章。

起诉状应当载明下列事项：

1.原告的姓名、性别、年龄、民族、职业、工作单位、住所、联系方式；原告系法人或其他组织的，应当载明原告的名称、住所、法定代表人或者主要负责人的姓名、职务、联系方式。

2.被告的姓名、性别、工作单位、住所、联系方式等信息，被告系法人或其他组织的，应当载明被告的名称、住所、法定代表人或者主要负责人的姓名等信息。

3.诉讼请求及所依据的事实与理由。

4.证据和证据来源，有证人的，应当载明证人姓名和住所。

如相关纠纷属于最高人民法院、司法部、中华全国律师协会印发的起诉状示范文本涵盖的纠纷，可直接填写起诉状示范文本。电子文本可通过微信登录“人民法院在线服务全国版”小程序——“全部功能”——“工具”——“部分案件起诉状答辩状示范文本”查询下载，也可通过微信登录“案沪通”平台——“诉讼服务”——“我要办”——“更多”——“部分案件起诉状答辩状示范文本”扫码查询下载。

二、原告在递交起诉状的同时，应提交原、被告身份证明材料：

1.原告系法人或其他组织的，应提供有效的营业执照副本、法定代表人或者主要负责人的身份证明及身份证等；原告系自然人的，应提供身份证等身份证明材料。

2.被告系法人或其他组织的，原告应提供被告的企业登记信息（可通过国家企业信用信息公示系统调取）等资料；被告系自然人的，原告应提供具体明确的足以使被告与他人相区别的姓名、住所等信息。

三、原告在递交起诉状的同时，应提交证明符合起诉条件的证据材料（证据副本的份数应与起诉状副本一致），并列明证据清单。证明符合起诉条件的证据材料，是指能证明当事人具有法律上利害关系及纠纷属于受诉人民法院管辖等的证据。

四、原告在递交起诉状的同时，应填写送达地址确认书。送达地址确认书应载明接收法律文书的收件地址、联系电话等，并明确是否同意电子方式送达。

五、原告在递交起诉状的同时，应填写当事人“胜诉退费”银行账号确认书，提供用于接收“胜诉退费”款项的银行账号。

六、原告委托诉讼代理人参加诉讼的，应提交授权委托书及相关资料：

当事人、法定代理人可以委托一至二人作为诉讼代理人。下列人员可以被委托为诉讼代理人：（一）律师、基层法律服务工作者；（二）当事人的近亲属或者工作人员；（三）当事人所在社区、单位以及有关社会团体推荐的公民。

如代理人系律师，应提交授权委托书、律师事务所函及律师证；如代理人系当事人的近亲属，应提交授权委托书、代理人身份证明材料、亲属关系的证明材料；如代理人系当事人的工作人员，应提交授权委托书、代理人身份证明材料、劳动关系或人事关系的证明材料。

七、涉外案件注意事项

原告为外国人、无国籍人、外国企业和组织，在人民法院起

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。

在中华人民共和国领域内没有住所的外国人、无国籍人、外国企业和组织委托中华人民共和国律师或者其他代理人代理诉讼, 从中华人民共和国领域外寄交或者托交的授权委托书, 应当经所在国公证机关证明, 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后, 才具有效力。如其所在国与我国没有外交关系, 其授权委托书可以经所在国公证机关公证, 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。委托人所在国属于《取消外国公文书认证要求的公约》缔约国且我国未对其作出保留的, 其授权委托书经所在国公证机关公证后加贴“附加证明书”即可, 无需进行认证。

原告系外国企业或组织的, 原告的身份证明类文件, 包括商事登记文件、诉讼代表人证明文件等, 也应当按照上述方式办理证明手续。如相关文件属于《取消外国公文书认证要求的公约》规定的外国公文书, 原告所在国为公约缔约国且我国未对其作出保留的, 加贴“附加证明书”即可。

八、涉港澳台案件注意事项

香港特别行政区、澳门特别行政区居民从香港特别行政区、澳门特别行政区提交的诉讼代理授权委托书, 需经我国内地认可的香港特别行政区、澳门特别行政区有关机关团体或委托公证人办理证明手续。委托公证人的证明, 还需经过“中国法律服务(香港)有限公司”或“中国法律服务(澳门)有限公司”在公证文书正本上加盖转递章, 才能在上海金融法院使用。

台湾地区居民从台湾地区提交的诉讼代理授权委托书, 需经台湾地区公证机构证明、海峡交流基金会转递并经上海市公证协

会核验，才能在上海金融法院使用。

原告系香港特别行政区、澳门特别行政区、台湾地区的企业或组织的，原告的身份证明类文件，包括商事登记文件、诉讼代表人证明文件等，也应当按照上述方式办理证明手续。

Case-filing Guidelines for First-instance Financial Civil and Commercial Disputes and Finance-related Administrative Cases

I. When the plaintiff files a lawsuit with the court, a complaint should be submitted with copies corresponding to the number of defendants. The complaint shall be neat and free from alterations. It shall be personally signed by the plaintiff. If the plaintiff is a legal person or other organization, the complaint shall bear its official seal.

The complaint shall include the following details:

1. Plaintiff's name, gender, age, ethnicity, occupation, workplace, domicile, and contact details. If the plaintiff is a legal person or other organization, the complaint shall specify its name, domicile, and the name, position, and contact details of its legal representative or principal person in charge.
2. Defendant's name, gender, workplace, domicile, and contact details. If the defendant is a legal person or other organization, the complaint shall specify its name, domicile, and the name of its legal representative or principal person in charge.
3. The claims made by the plaintiff, as well as the facts and legal grounds on which the claims are based.

4. The evidence and sources of evidence. If there are witnesses, the names and addresses of the witnesses shall be provided.

If the relevant dispute is covered by a complaint form distributed by the Supreme People's Court, the Ministry of Justice and the All-China Lawyers' Association, the complaint can be prepared by filling in the form.

Electronic forms can be downloaded via:

- The "People's Court Online Service (National Edition) "WeChat mini-program: All Features > Tools > Model complaint and defense pleadings for certain cases.

Electronic forms also can be downloaded by scanning the QR code:

- The "AnHuTong Platform" on WeChat: Litigation Services > Apply For > More> Model complaint and defense pleadings for certain cases.

II. When submitting the complaint, the plaintiff shall also provide identity materials for both parties:

1. If the plaintiff is a legal person or other organization, a valid copy of the business license, proof of identity of the legal representative or principal person in charge, and their identification card shall be submitted. If the plaintiff is a natural person, a copy of their identification card or other valid identity documents shall be provided.

2. If the defendant is a legal person or other organization, the plaintiff shall provide the defendant's enterprise registration information, which can be obtained through the National Enterprise

Credit Information Publicity System or other relevant sources. If the defendant is a natural person, the plaintiff shall provide clear and specific information, such as the defendant's name and domicile, which is sufficient to distinguish the defendant from others.

III. At the time of submitting the complaint, the plaintiff shall also submit evidentiary materials to prove eligibility for filing a lawsuit (the number of copies of the evidence should match the number of complaint copies), along with a list of evidence. Evidentiary materials to prove eligibility for a complaint refers to evidence that can prove the parties have a legal interest and the dispute falls within the court's jurisdiction.

IV. At the time of submitting the complaint, the plaintiff shall complete an address confirmation form for service of process. The address confirmation form for service of process shall state the recipient's address for receiving legal documents, contact telephone number, and whether the plaintiff agrees to receive documents electronically.

V. At the time of submitting the complaint, the plaintiff shall complete a confirmation of the receipt of return of litigation costs in a prevailing case and provide the bank account to be used for receiving the return of litigation costs in a prevailing case.

VI. If the plaintiff appoints a litigation agent to participate in the

litigation, they shall submit a power of attorney and relevant materials:

A party or its legal representative may appoint one or two persons as litigation agents. The following individuals may be appointed as litigation agents:

- (1) Lawyers and grassroots legal service providers;
- (2) The plaintiff's close relatives or staff members;
- (3) Citizens recommended by the plaintiff's community, workplace, or relevant social organizations.

If the agent is a lawyer, the power of attorney, a letter from the law firm, and the lawyer's certificate shall be submitted. If the agent is a close relative of the plaintiff, the power of attorney, the agent's identification materials, and proof of the family relationship shall be submitted. If the agent is a staff member of the plaintiff, the power of attorney, the agent's identification materials, and proof of the employment or personnel relationship shall be submitted.

VII. Special Considerations for Foreign-Related Cases

If the plaintiff is a foreigner, stateless person, foreign enterprise, or foreign organization, and needs to appoint an attorney for litigation, they shall retain a lawyer licensed in the People's Republic of China (PRC).

If a foreigner, stateless person, foreign enterprise, or foreign organization without domicile in China appoints a PRC lawyer or other person as their litigation agent, the power of attorney sent from outside China shall be notarized by a notary public in the country

where the appointing party resides, then be authenticated by the Chinese embassy or consulate in that country or comply with any relevant treaty between China and that country regarding authentication procedures to be effective. If the appointing party resides in a country without diplomatic relations with China, the power of attorney may be notarized by a local notary public, authenticated by the embassy or consulate of a third country that has diplomatic relations with both China and the appointing party's country, and then further authenticated by the Chinese embassy or consulate in that third country. If the appointing party's country is a contracting state to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Apostille Convention) and China has not made reservations regarding that country, the power of attorney only requires notarization and an Apostille issued by the competent authority in that country.

If the plaintiff is a foreign enterprise or organization, identity documentation such as commercial registration documents and litigation representative certification documents shall also undergo the aforementioned certification procedures. If such documents constitute foreign public documents under Hague Apostille Convention, and the plaintiff's country is a contracting state to which China has not made reservations, an Apostille shall be affixed instead.

VIII. Special Considerations for Cases Involving Hong Kong, Macao, and Taiwan

Residents of the Hong Kong Special Administrative Region (Hong Kong) and the Macao Special Administrative Region (Macao), when submitting a power of attorney for litigation representation from these regions, shall have the power of attorney verified by relevant authorities, organizations, or commissioned notaries in Hong Kong or Macao that are recognized by the Mainland of China. The notary's verification shall also be further endorsed with a transfer stamp by "China Legal Service (Hong Kong) Limited" or "China Legal Service (Macao) Limited" on the original notarial document in order to be valid for use in the court.

Residents of Taiwan, when submitting a power of attorney for litigation representation from Taiwan, the power of attorney shall be notarized by notarial authorities in Taiwan, forwarded through the Taiwan Strait Exchange Foundation, and verified by the Shanghai Notary Association before it can be used in the court.

If the plaintiff is an enterprise or organization of Hong Kong, Macao or Taiwan, the plaintiff's identification documents, including commercial registration documents and documents certifying the agent of the litigation, shall also be certified in accordance with the above manner.