

广州仲裁委员会  
《互联网仲裁推荐标准（二）》课题  
研究成果

《互联网仲裁主体身份识别标准》

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二〇二一年十二月

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## 互联网仲裁主体身份识别标准

仲裁机构应当在立案阶段及开庭审理阶段对参与网络仲裁程序的当事人、代理人及其他仲裁参与人进行身份识别。

### 1. 立案阶段主体身份识别

争议在线解决平台应当在立案阶段对申请人及其代理人通过在线方式进行身份识别。

仲裁机构受理案件后，应当及时通知被申请人、其他仲裁参与人通过争议在线解决平台进行案件关联和身份验证，参与仲裁程序。

#### 1.1 要求提供身份证明

仲裁机构在立案阶段应当要求仲裁程序中的当事人、代理人及其他仲裁参与人提供真实、有效的身份证明材料，并提示当事人、代理人及其他仲裁参与人应当承担因提供错误、虚假的身份证明所导致的法律后果。

#### 1.2 身份证明材料的类型

进行身份识别时，仲裁机构应当要求仲裁程序中的当事人、代理人及其他仲裁参与人在线提交以下证明材料：

- (1) 自然人的身份证、护照等身份证件；
- (2) 法人或非法人组织的注册登记文件；
- (3) 代理人的委托手续及授权文件。

#### 1.3 补充证明

仲裁机构在认为必要时，可以要求当事人、代理人及其他仲裁参与人提交身份证明的公证、认证材料。公证应当由当事人、代理人及其他仲裁参与人所在国公证机关作出，并经仲裁机构所在国或仲裁地所在国驻该国使领馆进行认证。

#### 1.4 识别标准

仲裁机构对当事人、代理人及其他仲裁参与人提供的身份证明材料进行表

面审查。仲裁机构在认为必要时，可以通过第三方数据平台或公证、认证等方式，对当事人、代理人或其他仲裁参与者身份的真实性进行核验。

### 1.5 识别方法

仲裁机构通过在线证件证照比对、身份认证平台认证等方式对当事人、代理人及其他仲裁参与者进行身份识别。

对境外当事人、代理人及其他仲裁参与者，可以依托出入境证件身份认证平台、公证及认证或文件寄送身份证明材料等方式进行核验。

### 1.6 流程要求

仲裁机构收到当事人、代理人及其他仲裁参与者提交的身份证明材料后，应当在收到材料后的合理期限内作出处理：

（一）经过识别符合身份验证标准的，向当事人、代理人及其他仲裁参与者发出身份识别通过的通知，并为当事人、代理人及其他仲裁参与者建立争议在线解决平台专用账户，记载其电子邮箱、移动电话等电子通讯方式。

（二）提交身份证明材料不符合要求的，通知当事人、代理人及其他仲裁参与者在合理期限内补充提交。当事人、代理人及其他仲裁参与者难以在指定期限内补充提交的，可以向仲裁机构申请延长补充提交期限。当事人、代理人及其他仲裁参与者未在指定期限内按照要求补充提交、又未申请延长补充提交期限的，通知当事人、代理人及其他仲裁参与者身份识别未通过。

### 1.7 当事人通过专用账户所为行为的效力

完成身份识别后，当事人、代理人及其他仲裁参与者的争议在线解决平台专用账户所作出的行为视为被认证人本人行为。但因争议在线解决平台技术原因导致系统错误、或本人能够证明在线平台账户非本人原因被盗用的除外。

## 2. 庭审阶段主体身份识别

仲裁庭应当在庭审的不同阶段对当事人、代理人及其他仲裁参与者的身份进行在线识别。

仲裁庭可以选择通过证件证照比对、生物特征识别、提问关于身份的问题等方式完成身份识别。

### 2.1 庭前准备

#### 2.1.1 身份识别材料

庭前准备阶段，仲裁庭应当要求当事人、代理人及其他仲裁参与者在线出

示其身份证明材料。

当事人、其他仲裁参与人为自然人时，应当出示本人身份证、护照等身份证明材料；

当事人、其他仲裁参与人为法人或非法人组织时，应当由其代理人出示登记证明等材料；

代理人应当出示律师证或其他身份证明材料。

### 2.1.2 当事人交叉确认

仲裁庭应当听取当事人之间身份相互确认的意见，并由办案书记记录确认结果。

一方当事人对其他当事人或仲裁参与人的身份证明材料提出异议的，仲裁庭认为有必要的，可以通过第三方平台或数据库对相关当事人身份的真实性进行核验。

### 2.1.3 无法识别的情形

当事人、代理人或其他仲裁参与者因技术、网络故障等客观原因导致无法完成身份识别的，仲裁庭应当宣布休庭，给予合理时间排除故障，并在故障排除后继续进行身份识别。若故障无法在合理时间内被排除，或一方当事人对另一方当事人的身份真实性提出异议，且仲裁庭无法当庭确认的，应当中止庭审，仲裁庭应重新安排开庭时间或采取其他合理措施，以确保程序的公正性和完整性。

## 2.2 庭审阶段

庭审阶段，仲裁庭应当要求当事人、代理人及其他仲裁参与者始终位于摄像设备前，并确保头面部完全显示在视频画面的合理区域。

仲裁庭可以要求未知参与者在线出示身份证明材料或回答仲裁庭关于其身份的问题来进行身份识别。

## 2.3 笔录签署

庭审结束后，仲裁机构应当要求当事人、代理人及其他仲裁参与者使用争议在线解决平台电子签名功能在线签署庭审笔录，并由该平台系统自动同步至电子卷宗。

仲裁机构应提供在线签署庭审笔录的便捷方式，并能够对当事人、代理人及其他仲裁参与者进行有效身份识别。仲裁机构所采用的身份识别方式应当符合

仲裁活动开展地所在国家、地区与商业秘密或密码等有关的法律法规所规定的密码保护技术或具有高度安全性的数字验证系统，如密码管理器、Hash 算法、区块链及指纹、面部识别、视网膜扫描等生物识别技术。

仲裁机构可采用的识别方式包括通过二维码、短信通知、电子邮件等渠道向当事人、代理人及其他仲裁参与人发送特殊代码。

### 2.3.1 二维码验证

采用二维码方式验证的，庭审结束时，办案秘书发起笔录确认，当事人、代理人及其他仲裁参与人确认笔录后，争议在线解决平台发出二维码，当事人、代理人及其他仲裁参与人使用电子设备扫描二维码后完成签名并确认。

### 2.3.2 短信验证

采用短信通知验证方式的，庭审结束时，办案秘书发起笔录确认，当事人确认笔录后，争议在线解决平台通过短信平台将验证码发送至当事人、代理人及其他仲裁参与人的移动电话，由当事人、代理人及其他仲裁参与人在争议在线解决平台输入验证码后完成签字确认。

### 2.3.3 电子邮件验证

采用电子邮件验证方式的，庭审结束时，办案秘书发起笔录确认，当事人、代理人及其他仲裁参与人确认笔录后，争议在线解决平台通过邮件将验证码发送至当事人、代理人及其他仲裁参与人的电子邮箱，由当事人、代理人及其他仲裁参与人在争议在线解决平台输入验证码后完成签字确认。

## 互联网仲裁主体身份识别标准（英文版）

# Identification Rules for Participants of Online Arbitration

Arbitration institutions shall verify the identity of the parties, agents and other participants in the arbitration at the filing and hearing stages.

### 1. Subject identification at the filing stage

The Online Dispute Resolution Platform (hereinafter referred to as the “ODR Platform”) shall verify the identity of the claimant and his or her agents online at the filing stage.

Once an arbitration institution has accepted the case, it shall promptly notify the respondent and other participants in the arbitration to verify their identity on the ODR Platform and participate in arbitration proceedings.

#### 1.1 Requirement for providing identification documents

The arbitration institution shall require the parties, agents and other participants to provide true and valid identification documents at the filing stage and remind them of the legal consequences of providing wrong or false identification documents.

#### 1.2 Types of identification documents

When verifying identity, the arbitration institution shall require the parties, agents and other participants in the arbitration proceedings to submit the following supporting documents online:

- (1) Identity card, passport or other identification documents of a natural person;
- (2) Registration documents of a legal person or an unincorporated organization;
- (3) Entrustment and authorization documents of agents.

#### 1.3 Supplementary proof

The arbitration institution may, when it deems necessary, require the parties,

agents and other participants in the arbitration to submit notarized and certified documents of their identity. The notarization shall be made by a notary office in the country of the parties, agents and other participants in the arbitration, and shall be authenticated by the embassy or consulate of the country where the arbitration institution is located or where the seat of arbitration is located.

#### 1.4 Criteria of identification

The arbitration institution conducts a *prima facie* examination of the identification documents provided by the parties, agents and other participants in the arbitration. The arbitration institution may, if it considers necessary, verify the authenticity of the identification of the parties, agents or other participants in the arbitration through a third-party data platform or using notarization, authentication or other methods.

#### 1.5 Identification method

The arbitration institution employs methods of online identification such as photo matching and verification on identity authentication platforms to verify the identity of parties, agents and other participants in the arbitration.

For foreign parties, agents and other participants in the arbitration, the arbitration institution may rely on methods including but not limited to the identification platform for entry and exit documents, notarization and authentication, or document delivery of identification documents for verification.

#### 1.6 The process requirements

Upon receiving the required documents, the arbitration institution shall process the identification documents submitted by the parties, agents and other participants in the arbitration within a reasonable period.

a. If the identification documents meet the identity verification criteria, the arbitration institution shall notify the parties, agents and other participants in the arbitration of the acceptance and validation of their identification. The arbitration institution shall establish a special account for the approved parties on the ODR Platform and record their e-mail address, mobile phone number and other electronic communication contact information.

b. If the identification documents do not meet the requirements, the arbitration institution shall notify the parties, agents and other participants in the arbitration to submit supplementary documents within a reasonable period. If the parties, agents and other participants in the arbitration have difficulty submitting supplementary documents within such designated period, they may apply to the arbitration institution



for an extension. If the parties, agents or other participants in the arbitration fail to make the required supplementary submissions within the designated period and do not apply for an extension, the arbitration institution shall notify the parties, agents and other participants in the arbitration of the verification failure.

#### 1.7 Effect of an act done by a party through the special account

Once the identification process has been completed, acts performed by parties, agents, and other participants in the arbitration on their special ODR Platform accounts shall be deemed to be the acts of the identified person, unless the system is incorrect due to technical issues pertaining to the ODR Platform or the person can prove that the special account has been misused by others for reasons beyond his or her control.

## **2. Subject identification at the hearing stage**

The arbitral tribunal shall verify the identification of the parties, agents and other participants in the online arbitration at different stages of the hearing.

The tribunal may choose to verify the identification by ways of identification photo matching, biometric identification, or asking questions about identity, etc.

### 2.1 Pre-hearing preparation

#### 2.1.1 Identification documents

During the pre-hearing preparation stage, the tribunal shall request the parties, agents and other participants in the arbitration to show their identification documents online.

If the parties or other participants in the arbitration are natural persons, they shall present their identification documents such as identity cards or passports.

When the parties or other participants in the arbitration are legal persons or unincorporated organizations, their agents shall present identification documents such as registration documents.

The agents shall present the lawyer's license or other identification documents.

#### 2.1.2 Cross-verification of parties

The tribunal shall hear the opinion of the parties on the mutual confirmation of identity and the case manager shall record the result of such confirmation.

If a party raises objections to the identification documents of other parties or other participants in the arbitration, the tribunal may verify the authenticity of the identity of relevant parties through a third-party platform or database when it deems necessary.

### 2.1.3 Unidentifiable situations

If the parties, agents or other participants in the arbitration are unable to complete the identification due to technical or network failures or any other objective reasons, the tribunal shall suspend the hearing and grant a reasonable time to rectify such failure. When such failures have been successfully removed, the identification process shall continue. If such failure cannot be removed within a reasonable time, or if one party raises objections to the authenticity of the identity of the other party and the tribunal is unable to confirm it during the hearing, then the hearing shall be suspended and the tribunal shall reschedule the hearing or take other reasonable measures to ensure the fairness and integrity of the proceedings.

## 2.2 During the hearing

During the hearing, the tribunal shall require the parties, agents and other participants in the arbitration to be located in front of the camera equipment at all times and to ensure that their heads and faces are fully displayed within a reasonable view of the camera.

The tribunal may require unknown participants to be identified by showing their identification documents online or responding to the tribunal's questions regarding their identity.

## 2.3 The record signing

After the hearing, the arbitration institution shall require the parties, agents and other participants in the arbitration to sign the hearing record online by using the electronic signature function of the ODR Platform and have it automatically synchronized with the electronic dossier by the ODR Platform's system.

The arbitration institution shall provide a convenient way to sign the hearing record online which can effectively identify the parties, agents and other participants in the arbitration. The identification method adopted by the arbitration institution shall be in accordance with password protection technology or highly secure digital authentication systems such as password managers, Hash algorithms, blockchain and biometric technologies including fingerprint and facial recognition, retinal scans, etc., as required by the laws and regulations of the country or region in which arbitration activities are conducted concerning trade secrets or passwords.

Identification methods that may be adopted by the arbitration institution include sending special codes to parties, agents, and other participants in the arbitration through QR codes, SMS notifications, emails, and other channels.

### 2.3.1 QR code verification

If QR code verification is used, the case manager shall initiate the confirmation of the record at the end of the hearing. After the parties, agents and other participants in the arbitration confirm the record, the ODR Platform shall issue a QR code. The parties, agents and other participants in the arbitration shall scan the QR code by electronic devices to complete the signature and confirmation.

### 2.3.2 SMS notification verification

If SMS notification verification is used, the case manager shall initiate the confirmation of the record at the end of the hearing. After the parties confirm the record, the ODR Platform shall send the verification code to the mobile phones of the parties, agents and other participants in the arbitration via the SMS platform. The parties, agents and other participants in the arbitration shall enter the verification code on the ODR Platform and complete the signature confirmation.

### 2.3.3 Email verification

If email verification is used, the case manager shall initiate the confirmation of the record at the end of the hearing. After the parties, agents, and other participants confirm the record, the ODR Platform shall send the verification code by email to their email addresses in the arbitration. The parties, agents, and other participants in the arbitration shall enter the verification code in the ODR Platform and complete the signature confirmation.