

## 附件一、陶副院长开幕式致辞

Remarks at the Opening Ceremony of the Conference of Presidents of  
Supreme Courts of Central and Eastern Europe

By Ms. Kaiyuan TAO

Justice & Vice President of the Supreme People's Court of P.R.China

(Oct.12, 2015 Brijuni, Croatia)

The Honorable President Branko Hrvatin of Croatia,

The Deputy-Minister of Justice of Croatia,

Mr. John Walker, Senior Circuit Judge, United States Court of  
Appeal for The CEELI Institute

All the Presidents and Representatives of Supreme Courts of Central  
and Eastern Europe,

Ladies and Gentlemen,

Good morning.

Today, Brijuni greets us with vast ocean, warmth and  
hospitality. In this ripen season of autumn, it gives me a great  
honor to represent His Excellency Chief Justice and President of  
the Supreme People's Court of China Mr. Zhou Qiang, to join

you in the Conference of Presidents of Supreme Courts of Central and Eastern Europe and meet so many friends from the judiciary communities. First of all, on behalf of the Supreme People's Court of China and in my own name, I would like to express our sincere thanks to President Hrvatin and the Supreme Court of Croatia for your kind invitation and thoughtful arrangements.

For a long time, China enjoys profound traditional friendship with Central and Eastern European Countries. We are good friends that help each other in times of need and good partners for close cooperation. In 2012, as “The Mechanism for China-Central and Eastern Europe Cooperation” (also known as “16+1 Cooperation”) was successfully established, it provided a new driving force to our traditional friendship. The judiciaries between China and Central and Eastern Europe are meeting various opportunities and promising prospect to strengthen judicial exchanges and cooperation. Today's Conference gives my Court an unprecedented opportunity to meet so many distinguished guests and friends together, and it could be regarded as a symbol for us trying to establish a closer judicial communication mechanism.

Nowadays, China is comprehensively advancing the "rule of law", under which the courts are deepening the overall judicial reforms. In order to provide a strong judicial safeguard to the realization of the great Chinese Dream, we are aiming to improve the system for ensuring independent and impartial exercise of judicial powers and improve judicial credibility to the public. To fulfill the goal, we should on the one hand stand in our own shoes to cater the judicial reform to China's conditions; on the other hand, we are looking forward to learning from our global counterparts, and your valuable experience will facilitate us with useful references in our judicial reform. In order to let you have a better understanding of the ongoing judicial reforms in China, we bring two bilingual books to this conference, one is Judicial Transparency of Chinese Courts and the other is The Work of China's Courts 2014. If you are interested, please feel free to take them.

Ladies and Gentlemen,

Asian and European civilization enjoys rich legal heritages. Three thousand years ago in China, known as the Western Zhou

Dynasty, the ancient Chinese character “Fa” which means “law” was invented. It is a pictograph composed of two parts. Its left part means “water”, which indicates impartiality of judgments; its right part contains a word for “the mythic unicorn”, a symbol of justice and authority in China. Today, it is our mission to carry forward our tradition and spirit of respecting the rule of law. Let us join hands to build an even closer judicial community and work even harder to build up the international legal system. Therefore, we do wish we could join you in the conferences and related activities in the future and we do welcome you to pay a visit to China and have a close look on the ongoing Chinese judicial reform, and to exchange your successful judicial practice with us.

Finally, I do wish the Conference a complete success.

Thank you very much!

附件二、陶副院长“中国法院的司法公开”主题发言

Speech at the International Conference of Presidents of Supreme  
Courts of Central and Eastern Europe

By Ms. Kaiyuan TAO

Justice & Vice President of the Supreme People's Court of  
P.R.China

(Oct.14, 2015 Brijuni, Croatia)

**Judicial Transparency of Chinese Courts**

Distinguished Moderator, President Hrvatin, Ladies and  
Gentlemen,

Good morning!

Thanks for the arrangement for providing us the opportunity to share and discuss the worldwide topic “the relationship between courts and the public” with colleagues from Central and Eastern Europe. Transparency is the foundation and main tool on handling the relation between courts and the public. As one of the most typical and prominent achievements in Chinese

ongoing judicial reform, I would like to take this opportunity to introduce Chinese courts' endeavor in promoting judicial transparency and briefly introduce the relation between courts and the media in China.

As Lord Denning indicated in his famous book: *The Due Process of Law* "Justice must not only be done, but must be seen to be done." In recently years, especially since 2013, the Supreme People's Courts of China has placed the transparency as the top priority and emphasized that the transparency is the principle should be stick to.

Making full use of advanced information technology, Chinese courts established three platforms of judicial transparency, i.e. for trial procedure, for judgment, and for enforcement. We also take advantage of new media to publicize the judicial affairs, realized comprehensive transparency covering the whole trial process. "Chinese Judgments Online" (<http://www.court.gov.cn/zgcpwsw/>) has become the largest Website in the world for publishing the judgments. The extent and depth of the judicial transparency in China have achieved the advanced level in the world. I will give a brief introduction

to the three platforms first.

## I. Three Platforms in Judicial Transparency of Chinese Courts

### The Transparency of Judicial Process

In August 2014, the Supreme People's Court of China published Interim Measures in Opening Trial Procedure to Public. "China Judicial Process Information Online" (<http://www.court.gov.cn/zgsplcxxgkw/>) was put into operation at the same time. Using the effective ID code, the parties and their counsels could lodge on the Website after their cases are accepted by courts to check and download the relevant procedural information and materials. In this way they could timely know and supervise the trial progress of their cases. The cases' procedural documents issued by the courts could also be delivered electronically through the Website.

### The Transparency of Judgments

In November 2013, the Supreme People's Court of China issued The Courts' Regulations on Publishing Judgments on the

Internet. According to the Regulations, the courts at various levels should publish the judgments on “China Judgments Online” in seven days after they taking effect, except for the cases concerning confidentiality, privacy, juveniles and settled by mediation. The Website operated in November 2013, and by September 2015, more than 10 million judgments were published by courts at various levels. Now the Website has attracted the attentions from international community including the top research teams from Harvard, Yale and Stanford.

### The Transparency of Cases Enforcement

The Supreme People’s Court launched “China Cases Enforcement Information On-line” (<http://www.gdtongren.com/news/news86.html>) in November 2014. The parties and the public could lodge on the Website and check out the information of case enforcement. We also set up a system providing list for incredible persons subject to enforcement and more than 2 million people’s names were published and they were punished collectively through restricting from going abroad, air travel, applying for loans and buying property etc. The system works well and more and more



incredible persons subject to enforcement implemented the enforcement automatically as their names were published or the punitive measures are taken.

To be frank, that when we promoted the judicial transparency across the country, we still have challenges. The first one is the uneven performance of the courts from different areas. As you may know, Chinese court system is consists of over 3500 courts, some courts, especially those from the undeveloped areas, are reluctant to perform for the consideration of the burden to their personnel and finance but not the benefit in the long run. The second issue is the concern about the live-trial in the courtroom, although we haven't heard different voice in China, and it is still a controversial topic in the world because of the possible infringement of the privacy of the people.

## II. Relation between Courts and Media in China

How to balance the relation between courts and media is a pressing issue which needs to be seriously taken into the account by the judiciaries across the world. To judiciary, protecting the fairness is its primary value. To media, their core value is the

pursuit of truth. Fairness and truth are the basic elements in the construction of social democracy and legality, and it is also the permanent goal that human beings pursue. However, in practice, due to the different standings and characteristics, the conflicts and challenges between the judiciary and media may be inevitable. It's important to maintain the balance and interactivity between the judiciary and the media, in order to realize the justice and fairness to the whole society. Chinese courts have made the following explorations in this aspect and tried to achieve a win-win situation between the two.

### Meeting the public requirements for information

Firstly, we make it easier for the public to access to the influencing cases' information. In December 2013, the Supreme People's Court opened live-trial Website, broadcasting the open trial and judgment declaration. By now, over 80,000 cases with extensive public attentions have been broadcast on-live on the Website. In Feb, 2015, "China Court Mobile TV" APP developed by the Supreme People's Court was put into operation. Since the leading cases monthly releasing system was set up by the Supreme People's Court in April 2014, about 200

leading cases have been published.

Secondly, we strengthen explaining the judicial interpretations which closely related with the public interests by way of news press, news briefing, and providing news reports, accepting the interviewing, and etc.

Thirdly, all Chinese courts have established the regular news releasing system, and each court has designated 1 or 2 speak-persons. We have all over 3,000 speak-persons. Since May 2009 the Supreme People's Court has implemented news monthly release system, publicizing the major cases' trial information, important judicial documents, judicial reforms' progress and reply the judicial hot topics. Since May 2013, we have applied "Omnimedia" to broadcast news conference. From Jan.1, 2015, the news releasing system has been established in the courts at all levels in China.

Fourthly, we established the "Open Day" system in the courts at various levels which is open to all walks of life and news media. The Supreme People's Court held its first "Open Day" to juveniles on Dec. 4, 2011, and the first "Open Day" to foreign

ambassadors on August 27, 2014.

Making use of the media's unique function to promote judicial transparency

Firstly, Chinese courts would offer convenience to media for reporting. For example, during August 22-26, 2013, a high-profile case of Bo Xilai, who was a CPC's former leader and charged with bribery, corruption and misuse of power, was heard by Intermediate People's Court of Jinan, Shandong Province. During the trial, the court published trial recording simultaneously through official twitter to the media and the public.

Secondly, the courts would accept the media's supervision. The reported misconducts, miscarriage of justice and incorrect application of law by the judges would be corrected with the retrial procedure initiated.

Thirdly, the court would adopt the power of media to the public's awareness to justice. On December 4, 2014, to celebrate the first "Constitution Day", the Supreme People's Court held a

thematic activity called “Let the Rule of Law be the Faith”. It is the first time in China, two wronged convicts and the journalists who reported their cases were invited to the Court and shared their feelings to the rule of law to the public.

iii. Strengthen the interactivity with the netizen of self media.

Firstly, the courts take the advantage of the official twitters and we-chats to strengthen the interactivity with the netizen. Since November, 2013, the Supreme People’s Court launched official twitter and we-chat successively. So far, there are more than 25 million fans to this official twitter.

Secondly the courts innovate the methods of transparency of popularizing the legal knowledge to the public by using microfilm, comic books and cubic paper folding albums, etc.

Thirdly, the courts pay attention to use the Internet to collect the public opinions and advice. Since 2009, the Supreme People's Court has opened “Email-box of Public Opinion”, “Email-box of President of the Court”, “Messages to Justices” and such columns on the official Website respectively to communicate

with the public. By drafting the important judicial interpretations, the public opinions would also be selected through the Internet, and in recent 3 years, 12 interpretations which closely related to people's living have solicited the netizens' opinions during the drafting. For instance, when drafting the Interpretation on Several Application Issues on Handling Environmental related Civil Public Interest Cases, the advice and suggestions have been absorbed from netizens and institutions from domestic and international communities, including officers from United States Environmental Protection Agency (EPA), scholars from Law School of the University of Vermont, law firms from US, and NGOs from Europe.

However, the supervision of media to the courts is a coin with two sides. So far, courts and media have interacted with each other very well. However, the media reports, esp. bias ones have bad influence to the courts in the practice and there's is no legislation to regulate in this area till now, the courts still have to face some challenges from media abuse of power. Not mention that in this self-media time, and information travels much more faster than any other time in the history, courts face unprecedented pressure. For

the sake of equity and judiciary independence, eliminating the negative impact of public comments is necessary.

All in all, in my opinion, judicial transparency represents the judicial confidence and strength, and it is also an extensive judicial revolution. In recent years, judicial transparency in Chinese courts has made great development, especially through applying the advanced information technology, a breakthrough was achieved from form to content. An “open, dynamic, transparent and convenient” judicial system has been established across the country.

Thank you.

附件三、陶副院长关于“中国法院设置改革”和 ADR 的即席发言

*Topic I-Changes in Court System*

**Court System Reform in China**

I would like to take this opportunity to speak a few points to introduce some big changes within the court system in China these two years. I will simply say 4 major measures taken in this respect.

Specialization-e.g. IP courts were established in Beijing, Shanghai, and Guangzhou at the end of last year.

Centralization-(1) Jurisdiction of some cases. E.g. IP cases esp. patent cases are filed and tried in the IP courts at intermediate level in Beijing, Shanghai and Guangzhou. (2) The courts' personnel, finance and logistics will be controlled and administered at the provincial level.

Anti-interference from the local powers, and establish the courts crossing the administrative regions.

To be more convenient. 2 circuit courts of the Supreme People's Court have been established in Shenzhen(South) and Shenyang(North).



All these measures above have been working very well till now, and we will put forward these reforms in further and depth.

*Topic V-Alternative Dispute Resolution*

### **ADR in China**

The topic on ADR is really a common interest topic.

China has been paying a great attention to ADR. There are two types of ADR in China in general. One is arbitration, and the other is mediation.

Since the arbitration system is basically the same in the world, I would like to say some words regarding the mediation, as the mediation system in China has a long history.

Six Types of Mediation in China today

People's mediation (also named as "community mediation"). The so-called "oriental model" which has existed in China for a few thousands years. The people's mediation commission is set up in every town and community, and the mediator is the community elder or retired with good reputation.

Administrative mediation, which is presided by administration organs.

Trade mediation (The mediation organizations are set up within the trade association to handle the internal dispute).

Commercial mediation (The mediation organizations are set up by the chamber of commerce).

Labor arbitration's mediation (i.e. the labor arbitration organization could handle mediation work).

Mediation by courts (When hearing the civil cases, judges could also solve them in mediation way. The agreements would be made after the mediation which have the binding force as the judgments).

## Legal Effectiveness of Mediation

If one party regrets after the mediation agreement has been signed and doesn't implement it, the other party could lodge a litigation as a breaking contract case.

The revised Chinese Civil Procedure Law issued in 2012, added a special procedure for judicial approval of the mediation agreements. In this case, the party could apply for compulsory enforcement to the court.

## Development

The mediation has been developing rapidly in China in recent years. Take the mediation by the community for example. There are more than 800,000 people's mediation committees at the community level, with nearly 4 million mediators. And only in 2014, over 9 million disputes were resolved by the people's mediation committees with 97% rate of success. Also, in 2014, there are over 160,000 cases applying for judicial approval. In total, among China's civil disputes, about 2/3 were settled

through mediation, and 1/3 were tried by courts.



# Judicial Transparency of Chinese Courts

中国的司法公开

**Supreme People's Court of China**

最高人民法院

Oct. 2015

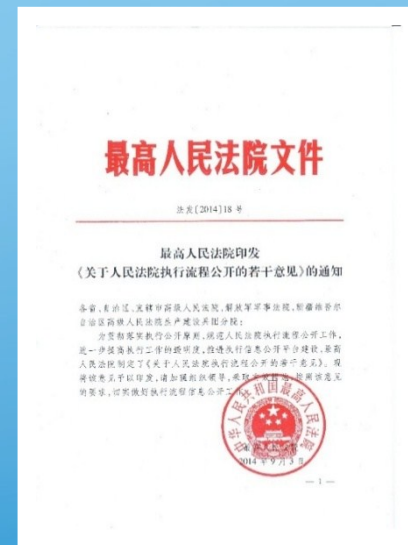
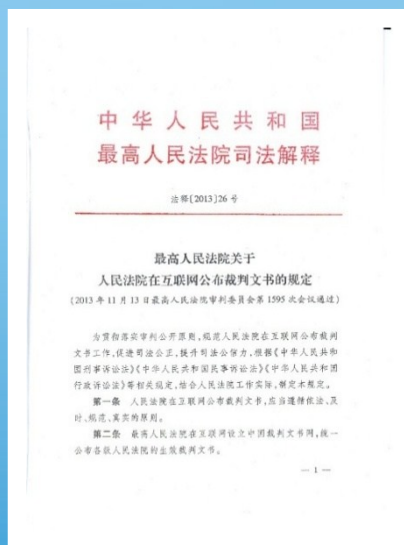
**“Justice must not only be done, but  
must be seen to be done.”**

**---Lord Denning, *The Due Process of Law***

# Three Platforms for Judicial Transparency

- i. The transparency of Trial Procedure
- ii. The transparency of the judgments
- iii. The transparency of Enforcement of Judgments

# Judicial Documentaries issued by Supreme People's Court of China



Several Opinions on 3 Platforms for Judicial Transparency  
Judicial Interpretation on Publishing Judgments online

Several Opinions on the Transparency of Enforcement of Judgments



" China Trial Procedure websitesite".  
<http://www.court.gov.cn/zgsplcxxgkw/>



**the website has been visited  
839,000 times**



**Accepted 7166 cases online**



**Posted a total of 140,000 items on the  
website**



**Sent out over 20,000 short  
messages**

# Chinese Judgments websitesite

<http://www.court.gov.cn/zgcpwsw/>

**中国裁判文书网**  
Judicial Opinions of China

依法 及时 规范 真实

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文书检索 高级检索>>

关键词:

案号:

裁判时间: 从  至

检索说明

**最高人民法院**

北京 天津 河北 山西 内蒙古 辽宁 吉林 黑龙江  
上海 江苏 浙江 安徽 福建 江西 山东 河南  
湖北 湖南 广东 广西 海南 重庆 四川 贵州  
云南 西藏 陕西 甘肃 青海 宁夏 新疆 兵团

(以上红色加粗的省、市、自治区已经实现了辖区内三级法院生效裁判文书在中国裁判文书网上公开)

各级法院

最新文书

公报案例

- 安徽省池州市贵池... 王平月与钱立鹏、钱叶权等机动车交通事故责任纠纷... (2015) 贵民一初字第01... 2015-01-27
- 安徽省池州市贵池... 陈爱芝与胡继媛房屋租赁合同纠纷一审民事判决书 (2015) 贵民一初字第00... 2015-01-27
- 安徽省池州市贵池... 池州市平天假日餐饮服务有限公司与杨则义不当得利... (2014) 贵民一初字第01... 2015-01-27
- 安徽省池州市贵池... 张云与徐琳琳民事诉保全案件裁定书 (2015) 贵民一初字第00... 2015-01-27

Chinese Judgments website has attracted the attentions from international community including the top research teams from Harvard, Yale and Stanford



# Enforcement Information websitesite

<http://www.gdtongren.com/news/news86.html>



## 中国执行信息公开网



**失信被执行人（自然人）公布** [更多...](#)

张德望	4409821985****5374
张凯泉	4409241958****4936
黄康生	4409821959****6692
罗伟	3203221985****6579
赵祥武	3203221958****003X
刘明秀	5202011955****1222
朱绍瑾	5202011964****5631
杨瑞霞	5202021985****6769

**失信被执行人（法人或其他组织）公布** [更多...](#)

江苏盛宇东源集成工程技术有限公司常州分公司	744979207
宁海县东源塑胶厂	668464622
宁海县万盛电器有限公司	668464622
南京林城环境科技有限责任公司	25000927-8
尉郭中学校	E30220102
南京永翔通讯器材有限公司	74823582-X
六安市市钟山区凉都乳业有限公司	77056102-3

被执行人姓名/名称： \* 可仅填写姓名或名称的前部分，但需要两个以上汉字

身份证号码/组织机构代码： 选填

省份： 选填

返回开庭公告  
被执行人  
失信人

# Person-subject to enforcement Information Search Website



The screenshot shows the homepage of the National People's Court of China's enforcement information search website. At the top, there is the court's logo and name in Chinese and English: "中华人民共和国最高人民法院 THE SUPREME PEOPLE'S COURT OF THE PEOPLE'S REPUBLIC OF CHINA". Below this is a red banner with the title "全国法院被执行人信息查询" (National Court Enforcement Information Search) and its pinyin "QUANGUO FAYUAN BEIZHIXINGREN XINXI CHAXU". A "返回主站" (Return to Main Site) button is on the left. The main search area has a yellow header with a red asterisk and the instruction: "★“被执行人姓名/名称”和“身份证号码/组织机构代码”至少填写一项。" (At least fill in one of "Debtors Name/Name" and "ID Number/Organization Code"). There are four input fields: "被执行人姓名/名称:" (Debtors Name/Name) with a red asterisk and note "★ 可仅填写姓名或名称的前部分，但需要两个以上汉字。" (Only the first part of the name or name is required, but at least two Chinese characters); "身份证号码/组织机构代码:" (ID Number/Organization Code) with a red asterisk and note "★ 需填写完整。" (Must be filled in completely); "执行法院范围:" (Enforcement Court Scope) with a dropdown menu set to "全国法院 (包含地方各级法院)" (All Courts (including local courts)) and a red information icon; and "验证码:" (Captcha) with the value "6 3 6 1 4" and a "换一张" (Change) button. A "查询 Q" (Search) button is at the bottom. Below the search area is a section titled "全国法院被执行人信息查询使用申明" (National Court Enforcement Information Search Usage Statement) with a paragraph of text explaining the purpose of the service.

So far, the website has published over 58.31 million enforcement information and provided the inquiring service with 30.32 million times.

 **中华人民共和国最高人民法院**  
THE SUPREME PEOPLE'S COURT OF THE PEOPLE'S REPUBLIC OF CHINA

 **全国法院失信被执行人名单信息公布与查询**  
QUANGUO FAYUAN SHIXINBEIZHIXINGREN MINGDAN XINXI GONGBU YU CHAXUN

[返回主站](#)

**失信将受到信用惩戒!**

**失信被执行人（自然人）公布**

刘尧民	3203251969****1398
吴青秀	3203821993****131X
汤可洋	3203251966****1354
冯晓	3203821992****194X
陈红杰	3203821978****2512
杭宇	3203821983****1371
马永生	3203251981****1312

**失信被执行人（法人或其他组织）公布**

安徽普金力机械制造有限公司	66623019 - 5
徐州天润棉纺有限公司	791979170
邳州市地龙商品混凝土有限公司	667638459
徐州市鑫源纺织有限公司	786326984
徐州市工业设备安装工程公司	137030374
成都美蝶王食品有限公司	740304149
徐州天润棉纺有限公司	791979170

[更多](#)

被执行人姓名/名称:  \* 可仅填写姓名或名称的前部分, 但需要两个以上汉字。

身份证号码/组织机构代码:  选填

省份:  选填

[查询](#)

The incredible persons subject to enforcement namelist is posted on the website and 2.25 million people's name were published and were published collectively through restricting their going abroad, air travel, applying for loans and buying property etc.

# II. Relations between Courts and Media



Official website



We-chat



Twitter



Mobile TV



# i. Meeting the public requirements for information

In December 2013, Supreme People's Court opened live-trial website, broadcasting the open trial and judgment declaration.

On Feb 27, 2015, "China Courts Mobile TV" APP developed by Supreme People's Court was into operation

In April 2014 Leading Cases Monthly Releasing System was set up, and about 200 leading cases have been published since then.



SPC live-trial website

<http://ts.chinacourt.org/>



We-chat



Leading Cases Monthly Releasing website page



China Court Mobile TV



最高人民法院  
新闻发言人  
孙军工  
电话：01067556246  
邮箱：  
暂无



北京市  
高级人民法院  
新闻发言人：安凤德  
电话：01085266687  
邮箱：  
bjgyfx@sina.com



天津市  
高级人民法院  
新闻发言人：郝树龙  
电话：18920297751  
邮箱：  
暂无



内蒙古自治区  
高级人民法院  
新闻发言人：孙凤鸣  
电话：15848912007  
邮箱：  
暂无



辽宁省  
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新闻发言人：高文平  
电话：02422696008  
邮箱：  
暂无



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新闻发言人：高建欣  
电话 045182392066  
邮箱：  
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邮箱：  
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新闻发言人：任利民  
电话：13905510418  
邮箱：  
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福建省  
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新闻发言人：谢开江  
电话：059187087150  
邮箱：  
xx7093@sina.com



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电话 053186551898  
邮箱：  
gyxoc17@126.com

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# "Supreme People's Court Open Day" to Juveniles





- LI Tiancong, a 12-year-old primary school student gave his speech in Supreme People's Court: "When I grow up, I want to be a judge."

# Supreme People's Court Open Day to Foreign Ambassadors



## ii. Making use of the media' s unique function to promote judicial transparency

Bo Xilai was trialed in Intermediate People's Court of Jinan, Shandong Province.



Pic1: SPC Activity: Let the Rule of Law be the Faith on the first "Constitution Day"

Pic2: Two wrong convicted victims were invited to Supreme People's Court



# Supreme People's Court's Twitter



- So far, there are more than 25 million fans to the official twitter, over 5000 items have been posted, which were distributed over 2.7 million times. The official we-chat has published 3473 articles, followed by 210,000 subscribers.



# materials for public dissemination



# "Messages to Justice"



## SPC solicited public opinions when drafting *the Judicial Interpretation on Several Application Issues on Handling Environmental related Civil Public Interest Cases*

中国法院网首页

新闻

审判

执行

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博客

### 最高法院就环境民事公益诉讼案件司法解释征求意见

2014-10-01 14:32:21

来源：人民法院报第一版

作者：记者 罗书臻

为正确审理环境民事公益诉讼案件，推动环境民事公益诉讼的有序开展，最高人民法院近日制定了《最高人民法院关于审理环境民事公益诉讼案件适用法律若干问题的解释（征求意见稿）》。

为进一步深化司法公开，促进司法民主，最高人民法院决定将该司法解释征求意见稿全文（全文见中华人民共和国最高人民法院官方网站www.court.gov.cn）向社会公开，广泛听取意见和建议，征求意见时间自2014年10月1日始，为期一个月，社会各界人士可采取书面寄送或者电子邮件的方式，对征求意见稿提出具体的修改建议。提出建议时，应说明具体理由。书面意见可寄往北京市东城区东交民巷27号，最高人民法院环境资源审判庭，邮编100745。

The background is a solid light blue color. In the top-left and bottom-right corners, there are decorative elements of flowing, draped fabric in a slightly darker shade of blue. On the right side, there is a network diagram consisting of several glowing blue nodes connected by thin white lines. The text "Thank you!" is centered in a large, bold, yellow font.

**Thank  
you!**