

Provisions on the Administration of Internet Audio-Visual Program Services of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Provisions are formulated in accordance with the relevant laws and administrative regulations for the purpose of regulating internet audio-visual program services, maintaining the lawful rights and interests of internet audio-visual program service providers and users, promoting the sound and orderly development of internet audio-visual program services, and safeguarding national security and public interests.

Article 2 — These Provisions apply to activities of providing internet audio-visual program services within the territory of the People's Republic of China.

For the purposes of these Provisions, "internet audio-visual program services" refers to the provision of audio-visual programs to the public through the internet for activities such as production, editing, integration, broadcasting, and sharing.

Article 3 — The radio, film and television administrative department under the State Council shall be the competent authority for internet audio-visual program services and shall be responsible for the supervision and administration of internet audio-visual program services nationwide. The radio, film and television administrative departments of local people's governments at or above the county level shall be responsible for the supervision and administration of internet audio-visual program services within their respective administrative regions.

Chapter II — Licensing

Article 4 — Entities engaged in internet audio-visual program services shall obtain an Internet Audio-Visual Program Service Permit issued by the radio, film and television administrative department under the State Council or complete filing formalities in accordance with these Provisions.

Article 5 — To apply for an Internet Audio-Visual Program Service Permit, the following conditions shall be met: (1) it has the status of a legal person, and is a state-owned or state-controlled entity; (2) it has a sound plan for the content of audio-visual program broadcasting; (3) it has professionals, funding and technical resources suitable for the provision of internet audio-visual program services; (4) it complies with the relevant industry and technical standards of the state; (5) other conditions prescribed by laws and administrative regulations.

Article 6 — The validity period of an Internet Audio-Visual Program Service Permit shall be 3 years. Where the holder intends to continue providing internet audio-visual program services after the expiry of the permit, it shall apply for renewal 30 days before the expiry.

Chapter III — Content Management

Article 7 — Internet audio-visual program service providers shall adhere to the correct guidance of public opinion and produce and broadcast healthy and beneficial audio-visual programs that conform to the relevant laws and regulations of the state.

Article 8 — Internet audio-visual program services shall not contain the following content: (1) content that violates the basic principles determined by the Constitution; (2) content that endangers national unity, sovereignty and territorial integrity; (3) content that divulges state secrets, endangers national security, or damages national honor and interests; (4) content that incites ethnic hatred or discrimination, or undermines ethnic unity; (5) content that promotes cults and feudal superstitions; (6) content that disseminates rumors, disrupts social order, or undermines social stability; (7) content that propagates obscenity, gambling, violence, or instigates crime; (8) content that insults or slanders others, or infringes upon the lawful rights and interests of others; (9) other content prohibited by laws and administrative regulations.

Article 9 — Internet audio-visual program service providers shall implement a content review system, designate full-time content reviewers, and be responsible for the content of the audio-visual programs broadcast.

Chapter IV — Operational Management

Article 10 — Internet audio-visual program service providers shall display their permit number in a prominent position on their service platform.

Article 11 — Internet audio-visual program service providers shall establish and improve user management systems and implement a real-name registration system for users.

Article 12 — Internet audio-visual program service providers shall keep records of the programs broadcast and user viewing data. The retention period for relevant records shall be not less than 60 days.

Article 13 — Internet audio-visual program service providers shall not lease, lend, transfer or sell their permits, nor shall they allow other entities to engage in internet audio-visual program services in their name.

Chapter V — Supervision and Administration

Article 14 — The radio, film and television administrative departments shall strengthen daily supervision and random inspections of internet audio-visual program service providers, and shall deal with any illegal acts found in accordance with the law.

Article 15 — The radio, film and television administrative departments shall establish a system for reporting and dealing with illegal internet audio-visual program content, publish the reporting methods, and accept public supervision.

Chapter VI — Legal Liability

Article 16 — Where an entity provides internet audio-visual program services without obtaining a permit in violation of these Provisions, the radio, film and television administrative department shall order it to cease the illegal practice and give a warning, and may impose a fine of not more than RMB 30,000; where there are illegal gains, the illegal gains shall be confiscated.

Article 17 — Where an internet audio-visual program service provider violates the content management provisions by broadcasting content prohibited by laws and regulations, the radio, film and television administrative department shall give a warning and may impose a fine of not more than RMB 30,000; where the circumstances are serious, the permit may be revoked.

Article 18 — Where an internet audio-visual program service provider violates the operational management provisions, the radio, film and television administrative department shall order it to make corrections within a prescribed period and give a warning; where it fails to make corrections, a fine of not more than RMB 30,000 may be imposed.

Chapter VII — Supplementary Provisions

Article 19 — Internet audio-visual program service providers that have engaged in internet audio-visual program services before the implementation of these Provisions shall complete the relevant permit or filing formalities within 60 days from the date of implementation of these Provisions.

Article 20 — These Provisions shall be interpreted by the State Administration of Radio, Film and Television and the Ministry of Information Industry in accordance with their respective duties.

Article 21 — These Provisions shall come into force on January 31, 2008.

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