Provisions on the Administration of Internet Information Services of the PRC

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

Promulgated by the State Council on September 25, 2000; amended in accordance with the Decision of the State Council on Amending the Provisions on the Administration of Internet Information Services on January 8, 2011
Effective: January 8, 2011

Article 1 — These Provisions are formulated for the purpose of regulating the activities of Internet information services and promoting the healthy and orderly development of Internet information services.

Article 2 — All activities of providing Internet information services within the territory of the People's Republic of China shall be governed by these Provisions.

"Internet information services" as used in these Provisions means the service activities of providing information to online users through the Internet.

Article 3 — Internet information services are divided into commercial Internet information services and non-commercial Internet information services.

"Commercial Internet information services" means the provision of information or web page creation, or other such services, to online users for a fee through the Internet.

"Non-commercial Internet information services" means the provision of open access and shared information to online users free of charge through the Internet.

Article 4 — The State shall adopt a licensing system for commercial Internet information services and a filing system for non-commercial Internet information services.

No one may engage in commercial Internet information services without obtaining a license, and no one may engage in non-commercial Internet information services without completing the filing procedures.

Article 5 — Those who engage in Internet information services such as news, publishing, education, medical treatment, health, pharmaceuticals, and medical apparatus and instruments shall, prior to applying for a license or completing filing procedures, obtain the approval of the relevant competent authorities in accordance with laws, administrative regulations, and relevant provisions of the State.

Article 6 — Those who engage in commercial Internet information services shall, in addition to meeting the conditions provided in the Companies Law of the People's Republic of China and other laws and administrative regulations, meet the following conditions:

(1) Having a business development plan and relevant technical plans;

(2) Having sound network and information security safeguard measures, including website security safeguard measures, information security and secrecy management systems, and user information security management systems;

(3) Other conditions provided by the service items falling under the licensing requirements of Articles 5 and 7 of these Provisions.

Article 7 — Those who engage in commercial Internet information services shall obtain a value-added telecommunications business license from the telecommunications regulatory authority of the State Council or of the province, autonomous region, or municipality directly under the Central Government.

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Those who engage in non-commercial Internet information services shall, in accordance with law, complete the filing procedures with the telecommunications regulatory authority of the State Council or of the province, autonomous region, or municipality directly under the Central Government.

Article 8 — The application for an Internet information service license or the completion of non-commercial Internet information service filing procedures shall be accompanied by the following materials:

(1) The approval document from the relevant competent authority, where the Internet information services provider is required to obtain prior approval in accordance with Article 5 of these Provisions;

(2) The business development plan and relevant technical plans, for commercial Internet information services providers;

(3) The network and information security safeguard measures, for commercial Internet information services providers;

(4) Other materials as required by the telecommunications regulatory authority.

Article 9 — Upon receipt of the application, the telecommunications regulatory authority shall complete the examination within sixty days from the date of receipt of the materials and make a decision on approval or disapproval. Where conditions are met, a license shall be issued or a filing number assigned, and an announcement shall be made; where conditions are not met, a written notice shall be given and the reasons shall be stated.

Article 10 — Internet information services providers shall indicate the license number or filing number on the homepage of their websites in a conspicuous location in accordance with the requirements of the telecommunications regulatory authority.

Article 11 — Internet information services providers shall provide services in accordance with the items approved or on file. No Internet information services provider may provide services beyond the items approved or on file.

Where a non-commercial Internet information services provider intends to engage in paid services, it shall go through the formalities for a commercial Internet information services license. Where a commercial Internet information services provider intends to add new service items, it shall apply to the original license issuer for a license for the new items.

Article 12 — Internet information services providers shall, when changing service items, website address, or other matters, report to the original license issuing or filing authority thirty days in advance and go through the relevant formalities.

Article 13 — Internet information services providers shall ensure that the content of the information provided is lawful.

No Internet information services provider may produce, reproduce, publish, or disseminate information containing any of the following content:

(1) Content that opposes the fundamental principles determined by the Constitution;

(2) Content that endangers national security, divulges State secrets, subverts State power, or undermines national unity;

(3) Content that damages the honor and interests of the State;

(4) Content that incites ethnic hatred or ethnic discrimination, or undermines ethnic unity;

(5) Content that undermines the State's religious policies or propagates cults or feudal superstitions;

(6) Content that spreads rumors, disrupts social order, or undermines social stability;

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(7) Content that disseminates obscenity, pornography, gambling, violence, murder, or terror, or incites the commission of crimes;

(8) Content that insults or defames others, or infringes upon the lawful rights and interests of others;

(9) Other content prohibited by laws and administrative regulations.

Article 14 — Internet information services providers engaged in news, publishing, electronic bulletin board services, and other such services shall record the content of the information provided, the time of publication, and the Internet address or domain name. Internet access services providers shall record information such as the time when users went online, the user account numbers, the Internet addresses or domain names, and the calling telephone numbers.

Internet information services providers and Internet access services providers shall keep the records for sixty days and shall provide them when the relevant State authorities make inquiries in accordance with law.

Article 15 — Internet information services providers shall not produce, reproduce, publish, or disseminate information that is prohibited by Article 13 of these Provisions. Where any such information is discovered, the provider shall immediately cease dissemination, keep the relevant records, and report to the relevant State authorities.

Article 16 — Where an Internet information services provider discovers any information transmitted through its website that clearly falls within the content prohibited by Article 13 of these Provisions, the provider shall immediately cease transmission, keep the relevant records, and report to the relevant State authorities.

Article 17 — Where a commercial Internet information services provider applies for listing on domestic or foreign stock exchanges or enters into any form of capital cooperation with a foreign-funded enterprise, it shall obtain the prior consent of the telecommunications regulatory authority of the State Council.

Article 18 — The telecommunications regulatory authority of the State Council and the telecommunications regulatory authorities of provinces, autonomous regions, and municipalities directly under the Central Government shall supervise and administer Internet information services in accordance with law.

The departments of press, publication, education, public health, pharmaceuticals administration, industry and commerce administration, and public security and the department of State security shall, within their respective competence, supervise and administer Internet information services in accordance with law.

Article 19 — Where a commercial Internet information services provider violates these Provisions and should bear civil liability such as compensating for losses in accordance with law, it shall bear such liability in accordance with law; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 20 — Those who, without obtaining a license for commercial Internet information services, engage in commercial Internet information services without authorization, or provide services beyond the licensed items, shall be ordered by the telecommunications regulatory authority of the province, autonomous region, or municipality directly under the Central Government to make corrections within a specified time limit; where there are unlawful earnings, the unlawful earnings shall be confiscated and a fine of not less than three times but not more than five times the amount of unlawful earnings shall be imposed; where there are no unlawful earnings or the unlawful earnings are less than 50,000 yuan, a fine of not less than 100,000 yuan but not more than 1,000,000 yuan shall be imposed; where the circumstances are serious, the website shall be ordered to close.

Those who, in violation of these Provisions, fail to complete the filing procedures and engage in non-commercial Internet information services without authorization, or provide services beyond the filed items, shall be ordered by the telecommunications regulatory authority to make corrections within a specified time limit; where corrections are refused, the website shall be ordered to close.

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Article 21 — Where items approved by the relevant competent authorities are not obtained as required, those who engage in Internet information services such as news, publishing, education, medical treatment, health, pharmaceuticals, and medical apparatus and instruments shall be ordered by the relevant competent authorities to make corrections in accordance with law; where corrections are refused, the website shall be ordered to close by the relevant competent authorities.

Article 22 — Internet information services providers in violation of these Provisions shall be subject to administrative penalties in accordance with the provisions of Articles 20 and 21 of these Provisions.

Article 23 — Where a telecommunications regulatory authority or other relevant competent authority and its staff neglect their duties, abuse their powers, or engage in malpractice for personal gain, failing to investigate and punish violations of these Provisions, the directly responsible person in charge and other directly responsible persons shall be given administrative sanctions in accordance with law; where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 24 — Relevant provisions on conditions, application submission materials, and other review criteria for various Internet information services shall be separately formulated by the relevant competent authorities in conjunction with the telecommunications regulatory authority of the State Council.

Article 25 — The provision of Internet information services within the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and the Taiwan region shall be separately prescribed.

Article 26 — These Provisions shall enter into force as of the date of promulgation.

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