

Provisions on the Administration of Internet Live-Streaming 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 Cybersecurity Law of the People's Republic of China, the Decision of the Standing Committee of the National People's Congress on Strengthening Network Information Protection, the Provisions on the Administration of Internet Information Services, and other laws and regulations, for the purpose of strengthening the standardized management of Internet live-streaming services, safeguarding national security and the public interest, protecting the lawful rights and interests of citizens, legal persons, and other organizations, and promoting the healthy and orderly development of Internet live-streaming services.

Article 2 — These Provisions apply to the provision of Internet live-streaming services within the territory of the People's Republic of China. The term "Internet live-streaming" as used in these Provisions refers to activities involving the continuous real-time release of information to the public through the internet based on the internet, including various forms of live broadcasting using video, audio, graphics, and text. The term "Internet live-streaming service providers" as used in these Provisions refers to entities that provide platforms for Internet live-streaming services. The term "Internet live-streaming service users" as used in these Provisions includes Internet live-streaming publishers and users of Internet live-streaming content.

Article 3 — The provision of Internet live-streaming services shall adhere to the correct orientation, safeguard national security and the public interest, protect the lawful rights and interests of citizens, legal persons, and other organizations, and promote the healthy and orderly development of Internet live-streaming services.

Article 4 — The Cyberspace Administration of China shall be responsible for the supervision, administration, and law enforcement of Internet live-streaming information content nationwide. Local cyberspace administrations shall, in accordance with their duties, be responsible for the supervision, administration, and law enforcement of Internet live-streaming information content within their respective administrative regions. The relevant departments of the State Council shall, within the scope of their respective duties, implement supervision and administration of Internet live-streaming services in accordance with law.

Chapter II — Obligations of Platforms

Article 5 — Internet live-streaming service providers shall have the service qualifications required by laws and regulations. They shall establish and improve management systems for various aspects of live-streaming content, including content review, emergency response, and technical support. Internet live-streaming service providers providing Internet news information services shall obtain the license for Internet news information services in accordance with law and carry out services within the scope of the license.

Article 6 — Internet live-streaming service providers shall implement a real-name identity authentication system for Internet live-streaming service users. They shall, in accordance with the principles of background real-name and front-stage voluntary disclosure, authenticate the identity information of Internet live-streaming service users based on real-name information such as resident identity cards, business licenses, and organization code certificates, and shall conduct reviews and file such information with the relevant cyberspace administrations.

Article 7 — Internet live-streaming service providers shall enter into service agreements with Internet live-streaming service users, clarifying the rights and obligations of both parties, and requiring the users to undertake to comply with laws, regulations, and public order and good customs. Internet live-streaming service providers shall establish a live-streaming content review platform, implement classified management of live-streaming content such as graphics, text, video, and audio, and conduct real-time management of Internet news information live-streaming and interactive content through methods such as first review before publication.

Article 8 — Internet live-streaming service providers shall have the technical capacity to immediately suspend live-streaming services and shall establish a content review platform. For live-streaming services, they shall be equipped with professionals appropriate to the scale of the services, and shall possess the technical capacity to immediately block live-streaming content. They shall establish and improve a grading and classification management system for live-streaming content.

Article 9 — Internet live-streaming service providers and Internet live-streaming service users shall not use Internet live-streaming services to produce, reproduce, publish, or disseminate information and content prohibited by laws and regulations.

Article 10 — Internet live-streaming service providers shall set up reporting and complaint channels, designate dedicated personnel to handle reporting and complaints, and provide necessary information and technical support. Where Internet live-streaming service providers discover that information content prohibited by laws and regulations exists in the live-streaming content, they shall take measures such as immediately stopping the transmission of such information to eliminate it, preserving relevant records, and reporting to the relevant competent authority; and shall take measures such as warnings, suspension of publication, and closure of accounts against publishers who disseminate prohibited information content.

Article 11 — Internet live-streaming service providers shall establish an Internet live-streaming publisher credit rating management system and a blacklist management system. Internet live-streaming service providers shall record and preserve the content logs and information of Internet live-streaming service users, and the preservation period shall be 60 days. Internet live-streaming service providers shall cooperate with relevant departments in supervision and inspection in accordance with law and provide necessary technical, data, and other support and assistance.

Article 12 — Internet live-streaming service providers shall sign service agreements with Internet live-streaming service users, clarifying the rights and obligations of both parties, specifying requirements for ensuring content security, and guiding users to produce and disseminate positive, healthy, civilized, rational, law-abiding, and orderly content.

Chapter III — Obligations of Users

Article 13 — Internet live-streaming service users shall abide by laws and regulations, practice socialist core values, and safeguard national interests and the public interest. When providing Internet live-streaming services, they shall consciously maintain the order of live-streaming activities and shall not use Internet live-streaming services to engage in activities prohibited by laws and regulations.

Article 14 — Internet live-streaming publishers shall comply with laws and regulations and public order and good customs, shall not use the internet to endanger national security, divulge state secrets, subvert state power, or undermine national unity; shall not disseminate information that incites ethnic hatred or ethnic discrimination, undermines ethnic unity, or sabotages religious policies; shall not disseminate obscene, pornographic, gambling, violent, murderous, terrorist, or abetting criminal information; and shall not disseminate other information and content prohibited by laws and regulations.

Article 15 — Internet live-streaming service users shall enhance their self-discipline awareness, consciously abide by laws and regulations, refrain from disseminating rumors, refrain from engaging in fraudulent activities, and refrain from infringing upon the lawful rights and interests of others. They shall not use Internet live-streaming services to conduct false advertising, false transactions, or other fraudulent activities.

Chapter IV — Supervision and Administration

Article 16 — Cyberspace administrations at all levels shall establish a daily supervision and inspection mechanism, strengthen guidance and law enforcement for Internet live-streaming service providers and Internet live-streaming service users, and urge Internet live-streaming service providers to fulfill their primary responsibilities.

Article 17 — Where Internet live-streaming service providers and Internet live-streaming service users violate these Provisions, the cyberspace administrations shall, in accordance with law, issue warnings, order corrections within a prescribed time limit, and impose other administrative penalties in accordance with relevant laws and administrative regulations. Where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 18 — Internet live-streaming service providers shall consciously accept social supervision, improve their complaint and reporting mechanisms, set up convenient channels for complaints and reports, and promptly handle complaints and reports from the public.

Chapter V — Supplementary Provisions

Article 19 — The Cyberspace Administration of China shall be responsible for the interpretation of these Provisions.

Article 20 — These Provisions shall come into force on December 1, 2016.

Disclaimer: This English translation is provided for reference purposes only. While every effort has been made to ensure accuracy, the original Chinese text of the Provisions on the Administration of Internet Live-Streaming Services (2016) shall prevail in all legal matters. For matters requiring legal interpretation or application, readers are advised to consult the official Chinese text and seek professional legal advice. Dan Young Business Consultancy makes no warranty as to the accuracy or completeness of this translation and accepts no liability for any reliance placed upon it.