

Provisions on the Administration of Network Publishing 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 Administrative Licensing Law of the People's Republic of China, the Cybersecurity Law of the People's Republic of China, the Administrative Measures for Publishing, and other laws and administrative regulations, for the purpose of regulating the order of network publishing services and promoting the healthy and orderly development of the network publishing industry.

Article 2 — These Provisions apply to the provision of network publishing services within the territory of the People's Republic of China. The term "network publishing services" as used in these Provisions refers to the act of providing the public with online publications through information networks. The term "online publications" as used in these Provisions refers to digital works that have been edited, produced, or processed for publication through information networks and disseminated to the public.

Article 3 — The provision of network publishing services shall adhere to the correct orientation, shall disseminate and accumulate all outstanding achievements of human civilization, shall enrich the spiritual and

cultural life of the people, and shall promote the development of culture and cultural industries.

Article 4 — The State Administration of Press, Publication, Radio, Film and Television shall be responsible for the supervision and administration of network publishing services nationwide. The press and publication administrative departments of local people's governments at or above the county level shall be responsible for the supervision and administration of network publishing services within their respective administrative regions.

Article 5 — The state encourages the export of online publications and supports network publishing service providers in exploring the international market.

Chapter II — Administrative Licensing

Article 6 — Entities engaged in network publishing services shall obtain a Network Publishing Service License in accordance with law. The license shall clearly specify the scope of the network publishing services, the validity period, and other matters. No entity may engage in network publishing services without approval.

Article 7 — To apply for a Network Publishing Service License, an applicant shall meet the following conditions:

- (1) possessing a business license issued by the administrative department for industry and commerce;
- (2) having a defined scope of business and business plan;
- (3) having technical equipment and servers suitable for the network publishing services to be provided, and the relevant storage equipment shall be stored within the territory of the People's Republic of China;
- (4) having an organizational structure and professionals suitable for the network publishing services to be provided;
- (5) possessing content review and management systems suitable for the network publishing services to be provided; and
- (6) other conditions prescribed by laws, administrative regulations, and the provisions of the administrative department for press and publication.

Article 8 — Foreign-invested enterprises engaged in network publishing services within the territory of China shall not invest in network publishing services in violation of the provisions of the Catalogue for the Guidance of Foreign Investment Industries and the Special Administrative Measures (Negative List) for Foreign Investment Access. Network publishing service providers that have foreign investment shall comply with the provisions of the relevant laws and administrative regulations on foreign investment.

Chapter III — Operation and Management

Article 9 — Network publishing service providers shall implement a system for the review of the contents of edited works, shall be equipped with specialized content reviewers, and shall establish accountability mechanisms.

Article 10 — Network publishing service providers shall not produce, reproduce, publish, or disseminate online publications containing the following content:

- (1) content that violates the basic 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 national honor and interests;

- (4) content that incites ethnic hatred or ethnic discrimination, undermines ethnic unity, or infringes upon ethnic customs and habits;
- (5) content that propagates evil cults and superstitions;
- (6) content that disseminates rumors, disrupts social order, or undermines social stability;
- (7) content that promotes obscenity, pornography, gambling, violence, or abets crimes;
- (8) content that insults or slanders others, or infringes upon the lawful rights and interests of others;
- (9) content that endangers social morality or the fine traditions of national culture; and
- (10) other content prohibited by laws, administrative regulations, and state provisions.

Article 11 — Network publishing service providers shall implement a system for the registration and filing of responsible editors. They shall conduct special training for content reviewers and responsible editors and conduct assessments. Only those who pass the assessment may assume their positions.

Article 12 — Network publishing service providers shall implement a long-term mechanism for the protection of works, including technical measures to prevent infringement, and shall assist copyright owners and relevant collective management organizations in safeguarding their rights and interests.

Article 13 — Network publishing service providers shall implement a real-name identity authentication system for users who publish online publications or provide online publication publishing services. They shall not provide related services to users who have not undergone real-name identity authentication.

Article 14 — Network publishing service providers shall set up convenient channels for complaints and reports, promptly accept and handle complaints and reports from the public, and provide necessary information and technical support.

Article 15 — Network publishing service providers shall record and preserve the content logs and information of online publication services, and the preservation period shall be no less than 60 days.

Chapter IV — Supervision and Administration

Article 16 — The press and publication administrative departments shall, in accordance with law, supervise and inspect network publishing service providers and online publications. The measures for supervision and inspection shall include entering the place of business for inspection, consulting and duplicating relevant documents and materials, sealing up or seizing items involved in illegal activities, and other measures prescribed by law.

Article 17 — Where network publishing service providers violate these Provisions, the press and publication administrative departments shall, in accordance with law, order corrections within a prescribed time limit, issue warnings, impose fines, and may concurrently order a suspension of business for rectification or revoke the license in accordance with law. Where a crime is constituted, criminal liability shall be pursued in accordance with law.

Chapter V — Supplementary Provisions

Article 18 — The State Administration of Press, Publication, Radio, Film and Television shall be responsible for the interpretation of these Provisions.

Article 19 — These Provisions shall come into force on March 10, 2016. The Administrative Provisions on Internet Publishing issued on June 27, 2002 shall be repealed simultaneously.

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 Network Publishing 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.