Regulations on the Administration of Internet Information Services of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purposes of regulating Internet information services, promoting the healthy and orderly development of Internet information services, and safeguarding the lawful rights and interests of citizens, legal persons, and other organizations.

Article 2 — Engaging in Internet information services within the territory of the People’s Republic of China shall comply with these Regulations. For the purposes of these Regulations, Internet information services means service activities involving the provision of information to online users through the Internet.

Article 3 — Internet information services are classified into commercial Internet information services and non-commercial Internet information services. Commercial Internet information services means the provision of information, the production of web pages, and other services to online users for compensation through the Internet. Non-commercial Internet information services means the provision of information with open and shared nature to online users gratuitously through the Internet.

Article 4 — The State shall supervise and administer Internet information services in accordance with laws and administrative regulations. The State shall encourage the healthy development of the Internet and provide good services for the Internet information service industry so as to meet the needs of the people for

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information services.

Chapter II — Licensing and Record-Filing for Internet Information Services

Article 5 — Those engaging in commercial Internet information services shall obtain a license from the telecommunications regulatory authority; those engaging in non-commercial Internet information services shall complete record-filing procedures with the telecommunications regulatory authority. Those not obtaining a license or failing to complete record-filing procedures shall not engage in Internet information services.

Article 6 — Those engaging in commercial Internet information services shall, in addition to satisfying the conditions set forth in the Telecommunications Regulations of the People's Republic of China, also satisfy the following conditions:

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

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

(3) The service items falling within the scope as prescribed in Article 5 of these Regulations shall satisfy the relevant requirements of the competent authorities.

Article 7 — Those engaging in commercial Internet information services shall submit an application to the telecommunications regulatory authority of the province, autonomous region, or municipality directly under the Central Government, or the telecommunications regulatory authority of the State Council. The telecommunications regulatory authority shall complete the examination within 60 days from the date of receipt of the application. If the conditions are satisfied upon examination, a commercial Internet information service license shall be issued; if the conditions are not satisfied, the applicant shall be notified in writing and the reasons therefor shall be stated.

Article 8 — Those engaging in non-commercial Internet information services shall complete record-filing procedures with the telecommunications regulatory authority of the province, autonomous region, or municipality directly under the Central Government. When completing the record-filing procedures, the following materials shall be submitted:

(1) The basic information about the service provider and the person in charge of the website;

(2) The website address and the website domain name; and

(3) The Internet access service provider used for the provision of services.

After receiving the record-filing materials, the telecommunications regulatory authority shall, if the materials are complete, assign a record-filing number.

Article 9 — Where Internet information services involve news, publishing, education, medicine, health care, pharmaceuticals, medical devices, culture, radio, film, and television, and other services requiring the consent of the competent authorities in accordance with laws, administrative regulations, and relevant State provisions, the applicant shall obtain the consent of the relevant competent authorities before applying for a license or completing record-filing procedures.

Article 10 — Where the service provider of commercial Internet information services or the service items thereof changes, the provider shall, within 30 days from the date of the change, go through the modification formalities with the original approving or record-filing authority.

Article 11 — Service providers of Internet information services shall display their license numbers or record-filing numbers in a prominent position on the homepage of their websites in accordance with the

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provisions of the telecommunications regulatory authority.

Chapter III — Operation and Administration of Internet Information Services

Article 12 — Service providers of Internet information services shall provide services within the scope specified in the license or record-filing items. They shall not provide services beyond the scope of the license or the record-filing items.

Article 13 — Service providers of Internet information services shall establish and improve rules and regulations, abide by laws and regulations, and strengthen industry self-discipline, and shall accept the supervision and inspection carried out by the relevant competent authorities in accordance with the law.

Article 14 — Service providers of Internet information services shall not produce, reproduce, publish, or disseminate information that contains content that:

(1) Opposes the fundamental principles established by the Constitution;

(2) Endangers State security, divulges State secrets, subverts State power, or undermines national unity;

(3) Damages the honor and interests of the State;

(4) Incites ethnic hatred or ethnic discrimination, or undermines national unity;

(5) Undermines the State's religious policies, or propagates cults and feudal superstitions;

(6) Disseminates rumors, disturbs social order, or undermines social stability;

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

(8) Insults or slanders others, or infringes upon the lawful rights and interests of others; or

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

Article 15 — Where service providers of Internet information services discover that their websites transmit information clearly falling within the scope of content prohibited under Article 14 of these Regulations, they shall immediately cease the transmission, preserve the relevant records, and report to the relevant State authorities.

Article 16 — Service providers of Internet information services and Internet access service providers shall keep records of the information provided by and sent by users, the time of provision and sending, the Internet addresses or domain names, and the users' relevant information; the retention period of the records shall be 60 days, and the records shall be provided when the relevant State authorities make inquiries in accordance with the law.

Article 17 — Service providers of commercial Internet information services shall not produce, reproduce, publish, or disseminate advertisements in violation of the provisions of laws and administrative regulations.

Article 18 — The State encourages service providers of Internet information services to accept public supervision. Service providers of Internet information services shall accept users' complaints and reports and handle the same in a timely manner.

Chapter IV — Supervision and Administration

Article 19 — 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 the law.

The relevant departments such as news, publishing, education, health, pharmaceuticals supervision and administration, industry and commerce administration, public security, and national security shall supervise

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and administer Internet information services within their respective functions.

Article 20 — Where any Internet information service provider violates the provisions of these Regulations, the relevant competent authorities shall order it to make corrections and impose penalties in accordance with the law; where the circumstances are serious, the telecommunications regulatory authority shall revoke its commercial Internet information service license or cancel its record filing.

Article 21 — Where the telecommunications regulatory authority and other relevant competent authorities and their staff members neglect their duties, abuse their powers, or engage in favoritism and irregularities in the supervision and administration of Internet information services, and the case does not constitute a crime, administrative sanctions shall be imposed in accordance with the law; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter V — Legal Liability

Article 22 — Where any person engages in commercial Internet information services without obtaining a license in violation of the provisions of these Regulations, or engages in services beyond the scope of the license, the telecommunications regulatory authority of the province, autonomous region, or municipality directly under the Central Government shall order the person to make corrections within a specified period, confiscate the illegal gains, and impose a fine of not less than three times but not more than five times the amount of the illegal gains; where there are no illegal gains or the illegal gains are less than RMB 50,000, a fine of not less than RMB 100,000 but not more than RMB 1,000,000 shall be imposed; where the circumstances are serious, the website shall be ordered to close.

Where any person, in violation of the provisions of these Regulations, fails to complete record-filing procedures and engages in non-commercial Internet information services without completing record-filing, the telecommunications regulatory authority shall order the person to complete the record-filing procedures within a specified period; if the person refuses to make corrections, the website shall be ordered to close.

Article 23 — Where any person commits any of the acts listed in Article 14 of these Regulations by producing, reproducing, publishing, or disseminating information containing such prohibited content, and the case does not constitute a crime, the public security authority and the national security authority shall impose penalties in accordance with the provisions of the Law on Penalties for Administration of Public Security, the Regulations on the Security Protection of Computer Information Systems, and other relevant laws and administrative regulations; for commercial Internet information service providers, the telecommunications regulatory authority shall also order them to suspend their business for rectification or revoke their commercial Internet information service licenses, and notify the administrative departments for industry and commerce to handle the relevant matters; for non-commercial Internet information service providers, the telecommunications regulatory authority shall also order the temporary closure of their websites, or cancel their record-filing and order the closure of their websites.

Article 24 — Where a service provider of Internet information services fails to perform the obligations under Article 15 and Article 16 of these Regulations, the telecommunications regulatory authority of the province, autonomous region, or municipality directly under the Central Government shall order it to make corrections; where the circumstances are serious, it shall order it to suspend its business for rectification, or temporarily close its website.

Chapter VI — Supplementary Provisions

Article 25 — These Regulations shall be effective as of the date of promulgation. The provisions regarding foreign investment in Internet information services shall be separately formulated by the State Council.

Article 26 — Where the relevant laws and administrative regulations provide otherwise on the supervision and administration of Internet information services, such provisions shall prevail.

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