

Interim Regulations on Administration of Internet Publication

(Promulgated by the General Administration of Press and Publishing and the Ministry of Information Industry on 27 June 2002 and effective as of 1 August 2002)

Order No.17 of the General Administration of Press and Publication of China and the Ministry of Information Industry of China

PART ONE GENERAL PROVISIONS

Article 1 These Provisions have been formulated pursuant to the Regulations on the Administration of Publications and Administration of Internet Information Services Procedures, in order to strengthen the administration of internet publishing activities, safeguard the lawful rights and interests of internet publishers and promote the healthy and orderly development of the internet publishing industry in China.

Article 2 Engagement in internet publishing activities shall comply with the Constitution and relevant laws and regulations, conform with the policy of serving the people and the socialist cause, disseminate and aggregate all thought, ethics and scientific, technological and cultural knowledge that are beneficial in improving the qualities of the nation, driving economic development and promoting social progress, and enrich the spiritual life of the people.

Article 3 These Provisions apply to the engagement in internet publishing activities in the People's Republic of China.

Article 4 The General Administration of Press and Publishing is in charge of the supervision and administration of internet publishing throughout the country. Its main duties and responsibilities are set forth below:

- (1) formulating, and organizing the implementation of, national internet publishing plans;
- (2) formulating principles, policies, rules and regulations on the administration of internet publishing;
- (3) formulating, and organizing the implementation of, national plans on the total number, structure and distribution of internet publishers;
- (4) submitting internet publishers to advance examination and approval; and
- (5) overseeing published online content in accordance with relevant laws, regulations and rules and punishing violations of State laws and regulations on publishing.

The press and publication administrative departments of provinces, autonomous regions and municipalities directly under the central government are in charge of the routine administration of internet publishing within their jurisdictions, the examination and

approval of applicants applying to engage in internet publishing business in their jurisdictions and the punishment of violations of State laws and regulations on publishing in their jurisdictions.

Article 5 For the purposes of these Provisions, the term “internet publishing” means an act of online dissemination whereby internet information service providers select, edit and process works created by themselves or others and subsequently post the same on the internet or transmit the same to the user's end via the internet for browsing, reading, use or downloading by the public. Their works mainly include:

(1) content of such types of publications as books, newspapers, periodicals, audio and video products, electronic publications, etc. that have already been formally published or works that have been made public in other media;

(2) edited and processed works of literature, art, natural science, social science, engineering technology, etc.

For the purposes of these Provisions, the term “internet publishers” means internet information service providers that engage in internet publishing business with the approval of press and publication administrative departments and telecommunications administrative authorities.

PART TWO ADMINISTRATIVE EXAMINATION AND APPROVAL, SUPERVISION AND ADMINISTRATION

Article 6 Approval is required to engage in internet publishing activities. No work unit or individual may engage in internet publishing activities without approval.

No work unit or individual may interfere in, prevent or disrupt the legal engagement in internet publishing activities by an internet publisher.

Article 7 To engage in internet publishing business, in addition to satisfying the conditions specified in the Administration of Internet Information Services Procedures, the following conditions shall be met:

- (1) having a defined scope of publication;
- (2) having articles of association that comply with laws and regulations;
- (3) having the necessary editing and publishing departments and professional personnel; and
- (4) having funds, equipment and premises appropriate for internet publishing business.

Article 8 To apply to engage in internet publishing business, the organizer shall submit an application to the press and publication administrative department of the province,

autonomous region or municipality directly under the central government where it is located, which shall, after its examination and consent, forward the same to the General Administration of Press and Publishing for examination and approval.

Article 9 When applying to engage in internet publishing business, the following materials shall be submitted:

(1) an Internet Publishing Business Application Form centrally printed and issued by the General Administration of Press and Publishing;

(2) the publisher's articles of association;

(3) source and amount of funds and certificate of creditworthiness;

(4) proof of the professional titles and identities of the main person in charge or legal representative and the main editors and technical personnel; and

(5) proof of use of the work premises.

Article 10 The press and publication administrative department shall render its decision to approve or not approve an application within 60 days of the date of its acceptance of the same. The organizer shall be notified in writing thereof by the press and publication administrative department of the province, autonomous region or municipality directly under the central government where it is located. If an application is not approved, the reason therefor shall be given.

Article 11 Once internet publishing business is approved, the organizer shall carry out the relevant procedures with the telecommunications administrative authority of the province, autonomous region or municipality directly under the central government on the strength of the approval document from the press and publication administrative department.

PART THREE RIGHTS AND OBLIGATIONS OF INTERNET PUBLISHERS

Article 12 Internet publishers shall indicate the number of their approval documents from the press and publication administrative department on the home page of their websites.

Article 13 If an internet publisher changes its name or organizer or is merged or divided, it shall carry out amendment procedures in accordance with Articles 8 and 9 hereof and carry out the appropriate procedures with the telecommunications administrative authority of the province, autonomous region or municipality directly under the central government on the strength of the approval document from the press and publication administrative department.

Article 14 When an internet publisher terminates its internet publishing business, the organizer shall carry out deregistration procedures with the press and publication administrative department of the province, autonomous region or municipality directly under the central government where it is located within 30 days after the date of termination of its internet publishing business and report the same to the General Administration of Press

and Publishing for the record. Additionally it shall carry out the procedures for the amendment or cancellation of its permit to engage in internet information service business with the telecommunications administrative authority of the relevant province, autonomous region or municipality directly under the central government.

Article 15 If an internet publisher fails to commence internet publishing activities within 180 days after its registration date, the press and publication administrative department with which it originally registered shall cancel its registration and report the same to the General Administration of Press and Publishing for the record. In addition, it shall notify the telecommunications administrative authority of the relevant province, autonomous region or municipality directly under the central government thereof.

Article 16 If the material published by an internet publisher involves significant topics such as State security, social stability, etc., it shall report the same to the General Administration of Press and Publishing for the record in accordance with the provisions on the record-filing of significant topics. Material on significant topics that has not been reported for the record may not be published.

Article 17 Material that is the subject of internet publishing may not contain information that:

- (1) contradicts the basic principles determined in the Constitution;
- (2) compromises national unity, sovereignty or territorial integrity;
- (3) discloses State secrets, compromises State security or harms the reputation or interests of the State
- (4) incites ethnic hatred or ethnic discrimination, damages inter-ethnic unity or violates the customs and habits of ethnic groups;
- (5) propagates evil cults or superstitions;
- (6) disseminates rumours, disturbs the social order or aims to destabilize society;
- (7) propagates obscenity, gambling or violence or incites the commission of crimes;
- (8) insults or slanders a third party or infringes upon the lawful rights and interests of a third party;
- (9) compromises public morality or refined indigenous culture and traditions; or
- (10) is other content prohibited by laws, administrative regulations or State rules.

Article 18 Material published by means of internet publishing that is targeted at minors may not include content that induces minors to imitate acts that are contrary to public morality,

illegal or criminal, or content of horrific, cruel or other such nature that is harmful to the physical and psychological health of minors.

Article 19 If material published by means of internet publishing is false or unfair, thus infringing upon the lawful interests of a citizen or of a legal person or other organization, the internet publisher shall publicly correct the same, eliminate the effects thereof and be civilly liable in accordance with the law.

Article 20 If an internet publisher discovers that a work it has posted or transmitted contains any of the content specified in Articles 17 and 18 hereof, it shall immediately cease the posting or transmission thereof, keep the relevant records, submit a report to the press and publication administrative department of the province, autonomous region or municipality directly under the central government in which it is located and submit a copy of such report to the General Administration of Press and Publishing.

Article 21 Internet publishers shall implement an editor responsibility system. They must have dedicated editorial staff to examine content to be published and ensure the lawfulness of the material to be published by means of internet publishing. Editorial staff of internet publishers shall undergo training before taking up their positions.

Article 22 Internet publishers shall keep a record of the contents of the works they post or transmit as well as of the times of posting or transmission and the URLs or domain names. Copies of such records shall be kept for 60 days and shall be provided to the relevant State authorities when the latter make inquiries in accordance with the law.

Article 23 When engaging in internet publishing activities, relevant State laws and regulations on copyright shall be complied with and copyright notices shall be indicated with the works that are posted or transmitted.

PART FOUR PENAL PROVISIONS

Article 24 If internet publishing activities are engaged in without approval, the press and publication administrative department of the province, autonomous region or municipality directly under the central government or the General Administration of Press and Publishing will put a halt to the same and confiscate the main equipment and special tools used to engage in the illegal publishing activities and the illegal income. In addition, if the illegal turnover was Rmb 10,000 or more, it will impose a fine of not less than five times and not more than 10 times the illegal turnover; if the illegal turnover was less than Rmb 10,000, it will impose a fine of not less than Rmb 10,000 and not more than Rmb 50,000.

Article 25 If Article 12 hereof is violated, the press and publication administrative department of the province, autonomous region or municipality directly under the central government or the General Administration of Press and Publishing will give a warning and impose a fine of not less than Rmb 5,000 and not more than Rmb 50,000.

Article 26 If Article 16 hereof is violated, an order to cease the posting or transmission of the work on the significant topic that was not reported for the record will be issued and the press and publication administrative department of the province, autonomous

region or municipality directly under the central government or the General Administration of Press and Publishing will give a warning and impose a fine of not less than Rmb 10, 000 and not more than Rmb 50, 000; if the circumstances are serious, an order to halt operations for a specified period of time in which to carry out rectification will be issued or the approval will be revoked.

Article 27 If an internet publisher posts or transmits any of the prohibited content specified in Articles 17 and 18 hereof, the press and publication administrative department of the province, autonomous region or municipality directly under the central government or the General Administration of Press and Publishing will confiscate its illegal income. In addition, if the illegal turnover was Rmb 10, 000 or more, it will impose a fine of not less than five times and not more than 10 times the illegal turnover; if the illegal turnover was less than Rmb 10, 000, it will impose a fine of not less than Rmb 10, 000 and not more than Rmb 50, 000; if the circumstances are serious, an order to halt operations for a specified period of time in which to carry out rectification will be issued or the approval will be revoked.

Article 28 If Article 22 hereof is violated, the telecommunications administrative authority of the province, autonomous region or municipality directly under the central government will order rectification and, if the circumstances are serious, issue an order to halt operations for a specified period of time in which to carry out rectification or an order to temporarily close down the website.

PART FIVE SUPPLEMENTARY PROVISIONS

Article 29 Entities that were engaged in internet publishing activities in accordance with relevant State regulations before the implementation hereof shall carry out examination and approval procedures in accordance with Articles 8 and 9 hereof within 60 days after the date of implementation hereof.

Article 30 These Provisions shall come into force as of 1 August 2002.