

**Decree of the Ministry of Industry and Information Technology  
(No. 20)**

The Several Regulations on Standardizing Market Order for Internet Information Services were adopted after deliberation at the 22<sup>nd</sup> Executive Meeting of the Ministry of Industry and Information Technology of the People's Republic of China on December 7, 2011 and are hereby published for implementation as of March 15, 2012.

Minister: Miao Wei

December 29, 2011

**Several Regulations on Standardizing Market Order for Internet Information Services**

**Article 1** These Regulations are formulated in accordance with the *Telecommunications Regulations of the People's Republic of China, the Measures for Administration of Internet Information Services* and other laws and administrative regulations with a view to standardizing market order for Internet information services, protecting the legal interests of Internet information service providers and users and promoting the healthy development of the Internet industry.

**Article 2** All those that are engaged in Internet information services and/or activities relating to Internet information services in the People's Republic of China shall comply with these Regulations.

**Article 3** The Ministry of Industry and Information Technology and the communications administration authorities of all provinces, autonomous regions and municipalities directly under the central government (hereinafter collectively referred to as the "Telecommunications Authorities") shall supervise and administer Internet information services according to law.

**Article 4** Internet information service providers shall provide services in accordance with the principles of equality, free will, fairness and good faith.

**Article 5** An Internet information service provider shall not:

- (1) maliciously interfere with any other Internet information service provider's service on user terminals or maliciously interfere with the downloading, installation, operation and/or updating of any software or other products relating to Internet information services ("software or other products relating to Internet information services" are hereinafter referred to as the "Products");
- (2) fabricate or disseminate false facts to harm the legal interests of any other Internet information service provider, or denigrate the service or Product of any other Internet information service provider;
- (3) maliciously practice incompatibility with the service or Product of any other Internet information service provider;
- (4) deceive users into using or not using, or mislead or force users to use or not use, the service or Product of any other Internet information service provider;
- (5) maliciously modify, or deceive users into modifying, or mislead or force users to modify, the parameters of the service or Product of any other Internet information service provider; or
- (6) do any other things that may infringe the legal interests of any other Internet information service provider in violation of the laws and regulations of China.

**Article 6** The evaluation of an Internet information service provider's service or Product shall be implemented in an objective and impartial manner.

When an evaluator publishes or provides evaluation findings to users, the evaluator shall simultaneously provide information about the evaluation implementer, the evaluation method, the data source, the original evaluation of users, the means of evaluation, the evaluation environment and other information about the evaluation. The evaluation findings shall be true and accurate, and the information about the evaluation shall be complete and comprehensive. If the evaluated service or Product is the same as or functionally similar to the service or Product of the evaluator, the evaluation findings shall not include the evaluator's subjective opinion.

If the evaluated entity objects to the evaluation findings, such entity may reevaluate or entrust a third party to reevaluate the evaluation findings, and the evaluator shall cooperate in regard to such reevaluation.

The evaluator shall not use the evaluation findings to deceive users into disposing of, or mislead or force users to dispose of, the evaluated entity's service or Product.

The "evaluation" referred to in these Rules means the provision of a platform for appraisal by users, or the appraisal and testing of an Internet information service or the performance of a Product by other means.

**Article 7** An Internet information service provider shall not:

- (1) refuse, delay or suspend its provision of any Internet information service or Product to users without a justifiable reason;
- (2) constrain users to use or not use any Internet information service or Product designated by it without a justifiable reason;
- (3) provide any Internet information service or Product to users by deceit, misdirection or force;
- (4) provide any Internet information service or Product inconsistent with its publicity or undertaking to users;
- (5) modify any service agreement or service rules to reduce the quality of service or increase the liability of users without authorization;
- (6) in the event that its service or Product is incompatible with the service or Product of any other Internet information service provider, fail to proactively provide a notice and explanation of such incompatibility to users;
- (7) modify the browser configuration or other settings of any user without notice to the user and the user's proactive agreement; or
- (8) do any other things that may infringe the legal interests of users in violation of the laws or regulations of China.

**Article 8** When an Internet information service provider carries out software downloading, installation, operation, updating, unloading and/or other operations on a user terminal, such Internet information service provider shall provide clear and complete software function and other information and obtain the user's prior consent.

An Internet information service provider shall not:

- (1) deceive any user into downloading, installing, operating, updating or unloading any software, or mislead or force any user to download, install, operate, update or unload any software;
- (2) fail to provide an unloading method that is as easy as or easier than the software installation method; or
- (3) after its software is unloaded from a user terminal and in the absence of influence by any other software or artificial damage, allow any executable code or other unnecessary file to remain on the user terminal without the user's proactive agreement.

**Article 9** If the terminal software for an Internet information service ties in other software, users shall be given a prominent notice and proactively choose whether or not to install or use such other software, and a separate method shall be provided for unloading or closing such other software without imposing any unreasonable conditions.

**Article 10** When an Internet information service provider opens on a user terminal any pop-up advertisement or other information window unrelated to the functions of the terminal software, such provider shall noticeably provide the user with a function mark for closing or exiting such window.

**Article 11** Without the user's consent, an Internet information service provider shall not collect any information that relates to a user and that separately or in combination with other information may be used to identify the user (hereinafter referred to as "User's Personal Information") and shall not provide any User's Personal Information to others, except as otherwise required by laws or administrative regulations.

When an Internet information service provider collects any User's Personal Information after obtaining the user's consent, such provider shall expressly inform the user of the means by which such User's Personal Information will be collected and processed, as well as the content and use of such information, shall not collect any information other than that required for its provision of service, and shall not use any User's Personal Information for purposes other than its provision of service.

**Article 12** An Internet information service provider shall properly keep User's Personal Information; when any User's Personal Information kept by it has been leaked or may be leaked, it shall immediately take remedies therefore; in the event that such leakage has resulted in or may result in any serious consequence, the Internet information service provider shall immediately report such event to the Telecommunications Authority that granted the provider its Internet information service permit or filing, and shall cooperate with the relevant authority in investigating and dealing with the event.

**Article 13** Internet information service providers shall strengthen their system security protection, legally safeguarding the security of information uploaded by users, and ensure users' ability to use, modify and delete the information updated by them.

An Internet information service provider shall not:

- (1) modify or delete the information uploaded by a user without authorization for no justifiable reason;
- (2) provide the information uploaded by a user to others without the user's consent, except as required by laws or administrative regulations;
- (3) transfer the information uploaded by a user without authorization or in the guise of the user's name, or deceive a user into transferring, or mislead or force a user to transfer, the information uploaded by such user; or

(4) do any other things that may harm the information updated by any user.

**Article 14** An Internet information service provider shall prominently publicize its effective contact details, accept complaints from users and other Internet information service providers, and respond to complaints within fifteen days after receiving it.

**Article 15** In the event that an Internet information service provider believes any other Internet information service provider has violated these Rules and thereby infringed its legal interests and caused or may cause a material impact on the interests of users, it shall immediately report the event to the Telecommunications Authority that granted such other Internet information service provider's Internet information service permit or filing.

The Telecommunications Authority shall assess the effect of possible violations of these Rules reported to or discovered by it; and in the event of an extraordinarily material effect, the communication administration authority of the relevant province, autonomous region or municipality directly under the central government shall report such event to the Ministry of Industry and Information Technology. Before the Telecommunications Authority makes a decision on how to deal with the relevant activity of an Internet information service provider, the Telecommunications Authority may require the Internet information service provider to suspend such activity and the Internet information service provider shall comply with such requirement.

**Article 16** In the event that an Internet information service provider has violated Article 5, 7 or 13 hereof, the Telecommunications Authority shall, within its competence, order the Internet information service provider to take corrective actions and give it a warning, may concurrently impose upon it a fine of more than RMB10,000 but less than RMB30,000, and shall make a public announcement to that effect; and if any legal liability is provided for under the Telecommunications Regulations of the People's Republic of China or the Measures for Administration of Internet Information Service, such event shall be dealt with in accordance with the provisions thereof.

**Article 17** In the event that an evaluator has violated Article 6 hereof, the Telecommunications Authority shall, within its competence, give such evaluator a warning, may concurrently impose upon it a fine of more than RMB10,000 but less than RMB30,000, and shall make a public announcement to that effect.

**Article 18** In the event that an Internet information service provider has violated Article 8, 9, 10, 11, 12 or 14 hereof, the Telecommunications Authority shall, within its competence, give such Internet information service provider a warning, may concurrently impose upon it a fine of more than RMB10,000 but less than RMB30,000, and shall make a public announcement to that effect.

**Article 19** In the event that an Internet information service provider has refused to suspend the relevant activity as required by the Telecommunications Authority in violation of Article 15 hereof, the Telecommunications Authority shall, within its competence, give such Internet information service provider a warning and make a public announcement to that effect.

**Article 20** An Internet information service provider's violation of any other law or administrative regulation shall be dealt with in accordance therewith.

**Article 21** These Rules shall be implemented as of March 15, 2012.