



**PRC Telecoms, Media & Technology Law Newsletter**  
**22 June 2009**

**NEW REGULATION PASSED TO FURTHER INCREASE WEBSITE REGISTRATIONS**

**Introduction**

In May 2009, the Ministry of Industry and Information Technology (**MIIT**) enacted its *Working Measures on Strengthening Website Registration (Measures)*.

The Measures are part of ongoing efforts by the Chinese government to maintain an accurate and complete record of all the websites set up in China and to supervise them more closely. While the government has been outwardly optimistic about the success of those efforts, the Measures highlight lingering problems with the current registration system. In particular, there is a lack of urgency in completing registrations.

In an attempt to remedy these problems, the Measures increase the oversight duties of "Internet access providers" (**IAPs**, i.e., Internet service providers and Internet data centers), requiring them to establish an automated system to locate and disclose websites that they host which have yet to be registered. They also set targets for completing website registration and improving the accuracy of registered information.

**Background**

Chinese websites have been lawfully obligated to register themselves with the MIIT since 2000. Beginning in March of 2005 with the enactment of the *Measures for the Registration of Non-operating Internet Information Services*, IAPs were urged to take a more active role in getting websites to register. In addition to setting out detailed requirements for the registration of non-operating (i.e., non-commercial) sites, these measures also state that an IAP may only host websites that have been duly registered. Otherwise, the IAP will be liable for fines and other penalties.

The *Notice on the Administration of the Registration of Internet Website Names*, issued by the MIIT in July 2007, reiterated that IAPs may only provide access to websites that have completed all legally required registration procedures.

Beijing's efforts to keep track of the number and names of domestic sites run in parallel to its attempts to keep track of – and thereby regulate – the nature of online content. Thus, for example, the MIIT issued on 1 May 2007 its *Notice Regarding the Special Action Plan for Striking Online Obscenity and Erotic Content*. This notice sought to

build cooperation between the MIIT and nine other government ministries, and to eradicate online obscenities and eroticism in part by ensuring that all websites are registered in accordance with the law.

### **Key Provisions of the Measures**

#### 1. Detailed Plan for Automated Website Tracking System Required by IAPs

All IAPs in China are required under the Measures to formulate a detailed plan for the development of an automated system to uncover any un-registered websites that they host, and to allocate funds for the plan's implementation. To assist IAPs in this process, the MIIT will provide uniform standards for access interface requirements, procedures for the discovery of un-registered sites, and the format, items and other reporting requirements for registered data.

#### 2. Registration Targets

The Measures announce the challenging goals of ultimately having 97% of all websites in China properly registered, and of ensuring that the registered information is 87% and 85% accurate, respectively, for sites that are newly registered or were already registered as of May 2009. Appendix II of the Measures details the information that must be contained in a proper website registration. Such information includes the website's name and IP address, the URL of its homepage, and its domain name. IAPs may not host any sites that have not been duly registered with the MIIT.

#### 3. Timeframe to Correct Previous Inaccuracies

The stipulated timeframe for correcting previous inaccuracies and reporting un-registered websites is as follows:

- by the end of May 2009, each IAP must have corrected all inaccurately registered IP address information in its website registrations;
- by the end of June 2009, each IAP must have finished registering all of the websites that it hosts – regardless of whether the website owners are unavailable or refuse to cooperate, as this will not exempt the IAP from this requirement; and
- by the end of September 2009, each IAP (particularly those hosting more than 5,000 websites) must have completed a review of each of those sites and must have established an automated system to uncover any un-registered websites.

### **Commentary**

Together with the MIIT's regulations on website registration dating from 2005 and 2007, the Measures illustrate an increasing reliance by the Chinese government on IAPs

to ensure that it maintains complete and accurate records of all domestic websites and the type of content they provide. The Measures focus on deficiencies in the current registration mechanism. In addition to being responsible for establishing an automated system to uncover un-registered sites, IAPs have been given a short timeframe within which to ensure that all the websites they host have been duly registered. IAPs hosting a large number of sites, must establish their automated system by September.

Although the MIIT reported in a recent press conference that 91% of all websites set up in 2008 have been properly registered, others have taken a more pessimistic view. Indeed, the recent enactment of the Measures suggests that the registration process as a whole has yet to be successfully implemented or performed.

Subject to adequate enforcement, the new Measures should help precipitate an increase in the overall volume of website registrations by website owners. By putting the onus on IAPs, rather than relying on websites to voluntarily register themselves, the government is taking a more practical approach in its efforts. IAPs are generally easier to identify – and by extension, to regulate – than website owners. The fact that a site can only be hosted if it has been duly registered provides an additional incentive for both parties to ensure that the MIIT's demands are met. More broadly, the effect of the Measures will enhance government supervision over Internet content, which appears to be the underlying motivation for the Measures as well as many other recent regulations in this area.

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Uploaded on 22.06.2009

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