

Chinese Internet Domain Name Management Regulations

PART ONE GENERAL PROVISIONS

Article 1 These Procedures are formulated in order to promote the healthy development of China's internet, to safeguard the secure and reliable operation of the Chinese internet domain name system and to standardize administration of the Chinese internet domain name system and domain name registration services in accordance with the relevant State provisions and in line with international standards on the administration of internet domain names.

Article 2 Registration of domain names and related activities within the People's Republic of China shall abide by these Procedures.

Article 3 Definitions of terms referred to in these Procedures shall be as follows:

1. Domain name: hierarchical character identifier recognizing and locating a computer on the internet that corresponds to that computer's internet protocol (IP)。
2. Chinese domain name: domain name containing Chinese characters.
3. Domain name root server: the server functioning as the root node in the domain name system.
4. Domain name root server operator: the institution responsible for operating, maintaining and administering the domain name root server.
5. Top-level domain name: name of the top-level domain under the root node in the domain name system.
6. Domain name registration administrator: the institution that undertakes the operation, maintenance and administration of top-level domain name system.
7. Domain name registration service provider: the institution that accepts applications to register domain names, and that directly registers domain names in the domestic top-level domain name database and directly or indirectly registers domain names in overseas top-level domain name databases.

Article 4 The Ministry of Information Industry shall be responsible for the administration of China's internet domain names. Its principal duties shall be:

1. to formulate regulations and policy on administration of internet domain names;
2. to formulate a national (or local) top-level domain name .CN and Chinese domain name system;
3. to administer domain name root server operators that establish and operate domain name root servers (including mirror servers) within the People's Republic of China;
4. to administer domain name registration administrators and domain name registration service providers established within the People's Republic of China;
5. to oversee the registration of domain names; and
6. to be responsible for international coordination on domain names.

Article 5 No organization or individual may use any means to obstruct the proper functioning of the internet domain name system within the People's Republic of China.

PART TWO ADMINISTRATION OF DOMAIN NAMES

Article 6 China's internet domain name system shall be published by the Ministry of Information Industry in the form of public announcement. The Ministry of Information Industry may make adjustments to the internet domain name system in accordance with the actual development of domain names, and shall publish update announcements.

Article 7 Chinese domain names are an important component of China's domain name system. The Ministry of Information Industry shall encourage and support technical research into and the gradually increased use of Chinese domain names.

Article 8 Establishment of domain name root servers and domain name root server operators within the People's Republic of China shall be approved by the Ministry of Information Industry.

Article 9 To apply for establishment of an internet domain name root server or domain name root server operator, the following criteria shall be fulfilled:

1. having the corresponding capital and skilled personnel;
2. having the environment and conditions, and technical capacity for safeguarding the secure and reliable operation of domain name root server;
3. having proper network and information security safeguard facilities;
4. fulfilling the needs of internet development and stable operation of domain name system; and
5. compliance with other relevant State regulations.

Article 10 To apply for establishment of a domain name root server or domain name root server operator, the following written application materials shall be submitted to the Ministry of Information Industry:

1. the details of the applying work unit;
2. the details of the domain name root server to be operated and protected;
3. a network technology plan; and
4. proof of technical safeguard facilities for network and information security.

Article 11 Establishment of domain name registration administrators and domain name registration service providers within the People's Republic of China shall be approved by the Ministry of Information Industry.

Article 12 To apply to become a domain name registration administrator, the following criteria shall be fulfilled:

1. having established a top-level domain name server (excluding mirror servers) within the People's Republic of China, and having top-level domain names commensurate with the international and domestic internet domain name systems;
2. having the capital and skilled personnel commensurate with the activities related to domain name registration;
3. having good business performance and operation experience in relevant services such as internet domain name services;
4. having a reputation for providing, or the ability to provide, long-term services to the clients;
5. having a business development plan and a relevant technical plan;
6. having proper mechanism for supervision of domain name registration services and facilities for safeguarding network and information security; and
7. compliance with other relevant State provisions.

Article 13 To apply to become a domain name registration administrator, the following materials shall be submitted to the Ministry of Information Industry:

1. explanatory materials for the capital and personnel;
2. supporting materials for the implementation of effective administration on top-level domain name servers in China;
3. materials that prove the reputation of the applicant;
4. business development plan and relevant technical plan;
5. mechanism for supervision of domain name registration services and technical safeguard facilities for network and information security;
6. model text for the agreement to be signed with domain name registration service providers; and
7. letter of undertaking for compliance with the relevant State laws and policies and China's domain name system signed by the legal representative.

Article 14 To engage in domain name registration services, the following criteria shall be fulfilled:

1. being an enterprise legal person or an institution legal person established in accordance with the law;
2. having a registered capital of not less than Rmb 1 million, having established a domain name registration service system within the People's Republic of China and having the technicians and customer service personnel dedicated to domain name registration services;
3. having a reputation for providing, or the ability to provide, long-term services to the clients;
4. having a business development plan and a relevant technical plan;
5. having proper facilities for safeguarding network and information security;
6. having proper domain name registration service withdrawal mechanism; and
7. compliance with other relevant State provisions.

Article 15 To apply to become a domain name registration service provider, the following written materials shall be submitted to the Ministry of Information Industry:

1. proof of status as a legal person;
2. description of domain name registration services to be provided and the details of the technicians and customer service personnel;
3. letter of intent to cooperate or agreement signed with the relevant domain name registration administrator or overseas domain name registration service provider;
4. model text for customer service agreement;
5. business development plan and relevant technical plan;
6. proof of technical safeguard facilities for network and information security;
7. relevant materials that prove the reputation of the applicant; and
8. letter of undertaking for compliance with the relevant State laws and policies signed by the legal representative.

Article 16 Where the application materials are complete and comply with the statutory format, the Ministry of Information Industry shall issue a notification of application acceptance to the applicant. Where the application materials are incomplete or fail to comply with the statutory format, it shall notify the applicant of all the particulars that need to be supplemented in writing at one time on spot or within five days. Where it does

not accept the application, it shall issue a notification of rejection to the applicant and state the reasons therefor.

Article 17 The Ministry of Information Industry shall, within 20 working days of the date of issue of notification of application acceptance, complete examination work and render a decision on whether or not to grant approval. Where it is unable to render a decision within 20 working days, the time period may be extended for 10 working days upon approval of the person in charge of the Ministry of Information Industry, and shall notify the applicant of the reasons for the extension of the time period.

Where approval is granted, an approval opinion shall be issued. Where approval is not granted, the applicant shall be notified in writing, and the reasons therefor shall be stated.

Article 18 Domain name registration administrators shall comply with the relevant State laws, administrative regulations and rules on their own initiative, ensure the secure and reliable operation of the domain name system, and fairly and reasonably provide secure and convenient domain name services to domain name registration service providers.

Domain name registration administrators may not without proper reasons terminate the domain name registration services for domain name registration service providers without authorization.

Article 19 Domain name registration service providers shall comply with the relevant State laws, administrative regulations and rules on their own initiative, and fairly and reasonably provide domain name registration services to the clients.

Domain name registration service providers may not request clients to register domain names by using improper means such as fraud or coercion.

Article 20 If there are changes to such registered information as the name, address or legal representative of the domain name registration service provider, or if there are changes to the relationship or a termination of the relationship between the domain name registration service provider and the domain name registration administrator, the domain name registration service provider shall report to the Ministry of Information Industry for record filing within 30 days of the change or termination.

Article 21 Domain name registration administrators shall have the necessary network and communication emergency equipment, formulate network and communication safeguard emergency plans that are feasible and effective, and improve the network and information security emergency system.

Due to needs of State security and handling of emergencies, domain name registration administrators and domain name registration service providers shall obey the central commands and coordination of the Ministry of Information Industry, and abide by and execute the administration requirements of the Ministry of Information Industry.

Article 22 The Ministry of Information Industry shall strengthen the supervision and inspection of domain name registration administrators and domain name registration service providers, and rectify illegal acts discovered in the course of supervision and inspection.

PART THREE REGISTRATION OF DOMAIN NAMES

Article 23 Domain name registration administrators shall formulate corresponding implementing rules for the registration of domain names in accordance with these Procedures, and shall implement the same after submitting them to the Ministry of Information Industry for record filing.

Article 24 Registration of domain names shall follow the principle of “first come, first served”。

Article 25 In order to protect State and public interests, domain name registration administrators may provide necessary protection for certain pre-reserved characters, and implement the same after submitting them to the Ministry of Information Industry for record filing.

Except in the case of the preceding paragraph, domain name registration administrators and domain name registration service providers shall not pre-reserve domain names or do so in a disguised form. Domain name registration administrators and domain name registration service providers shall not in the course of providing domain name registration services represent any real or potential domain name holder.

Article 26 Domain name registration administrators and domain name registration service providers shall make public the particulars, timing and cost of their domain name registration services, provide public inquiry service on domain name registration, guarantee the quality of their domain name registration services, and shall have the obligation to provide domain name registration information to the Ministry of Information Industry.

Without the approval of clients, domain name registration administrators and domain name registration service providers may not use the domain name registration information for purposes other than those stipulated in the preceding paragraph, unless stipulated otherwise in State laws and administrative regulations.

Article 27 No organization or individual may register or use domain names containing elements that:

1. oppose the fundamental principles determined in the Constitution;
2. compromise State security, divulge State secrets, subvert State power or damage national unity;
3. harm the dignity or interests of the State;
4. incite ethnic hatred or racial discrimination or damage inter-ethnic unity;
5. sabotage State religious policy or propagate heretical teachings or feudal superstitions;
6. disseminate rumours, disturb social order or disrupt social stability;
7. propagate obscenity, pornography, gambling, violence, murder or fear or incite the commission of crimes;
8. insult or libel a third party or infringe upon the lawful rights and interests of a third party; or
9. include other content prohibited by laws or administrative regulations.

Article 28 Domain name registration applicants shall submit true, accurate and complete domain name registration information and sign a client registration agreement with the domain name registration service provider.

Once a domain name has been registered, the domain name registration applicant shall become the holder of that domain name.

Article 29 Domain name holders shall abide by the relevant State laws, administrative regulations and rules on the internet, and shall bear the liability for infringement on lawful rights and interests of other parties due to holding or using the domain name.

Article 30 Domain name operation fees shall be paid for registered domain names on time. Domain name registration administrators shall formulate specific methods for payment of operation fees and shall report the same to the Ministry of Information Industry for record filing.

Article 31 If there are changes to the information provided to register a domain name, the domain name holder shall apply to the domain name registration service provider for amendment of the registration information within 30 days of the change.

Article 32 Domain name holders may select and change their own domain name registration service provider. When a domain name holder changes its domain name registration service provider, the original service provider shall be obliged to transfer the registration information.

Without proper reason, a domain name registration service provider may not obstruct domain name holders from changing domain name registration service provider.

Article 33 Domain name registration administrators shall set up client complaint hotlines or adopt other necessary measures to handle opinions on domain name registration service providers given by clients in a timely manner. Where it is difficult to handle the complaint in a timely manner, the reasons therefor and the relevant time limit for handling must be stated to the clients.

Where a client or domain name registration service provider is dissatisfied with the lack of handling results or the handling results for the complaint to the domain name registration administrator, or with the services of the domain name registration administrator, it may submit a complaint to the Ministry of Information Industry.

Article 34 When any of the following circumstances apply to a registered domain name, the original domain name registration service provider shall revoke registration and notify the domain name holder in writing:

1. the domain name holder or its agent applies to cancel the domain name;
2. the domain name registration information provided by the domain name holder is false, inaccurate or incomplete;
3. the domain name holder fails to pay the relevant fees in accordance with the provisions;
4. the registration should be revoked in accordance with the decision of a people's court, an arbitration institution, or a domain name dispute resolution institution; or
5. there is a violation of the provisions of relevant laws, administrative regulations or these Procedures.

Article 35 Domain name registration administrators and domain name registration service providers have the obligation to coordinate with the inspection of websites by the State departments in charge, and shall suspend or terminate the relevant domain name analysis services as required if necessary.

PART FOUR DISPUTES OVER DOMAIN NAMES

Article 36 Domain name registration administrators may designate a neutral domain name dispute resolution institution to resolve disputes over domain names.

Article 37 If anyone files a complaint to a domain name dispute resolution institution over a domain name already registered or in use and the complaint fits the criteria for resolution of a dispute over a domain name, the domain name holder shall take part in the proceedings for resolving disputes over domain names.

Article 38 The decision of a domain name dispute resolution institution shall apply only to changes in the information on the holder of the disputed domain name.

If the decision of a domain name dispute resolution institution is not in accord with the legally effective judgment made by a people's court or an arbitration institution, the judgment of the people's court or the arbitration institution shall prevail.

Article 39 The holder of a disputed domain name may not transfer that domain name while the dispute is being dealt with by a people's court, an arbitration institution or a domain name dispute resolution institution, except where the party to which the domain name is being transferred agrees in writing to be bound by the judgment of the people's court, the arbitration institution or the institution resolving the domain name dispute.

PART FIVE LEGAL LIABILITY

Article 40 Those who are in violation of Article 8 or 11 hereof establish without authorization domain name root servers or domain name root server operators, or domain name registration administrators or domain name registration service providers without administrative licence, the Ministry of Information Industry shall, in accordance with Article 81 of the PRC, Administrative Licensing Law, adopt measures to stop them from conducting business or providing services, and depending on the seriousness of the situation, issue a warning or impose a fine of not more than Rmb 30, 000.

Article 41 Where a domain name registration service provider provides domain name registration services that exceed the approved scope of items, it shall be ordered by the Ministry of Information Industry to rectify the matter within a stipulated time limit. Where it fails to rectify the matter within the stipulated time limit, the Ministry of Information Industry shall, in accordance with Article 81 of the PRC, Administrative Licensing Law, adopt measures to stop it from providing services that exceed the scope, and depending on the seriousness of the situation, issue a warning or impose a fine of not more than Rmb 30, 000.

Article 42 Those who violate Article 5, 18, 19, 20, 25, 26, 32 or 35 hereof shall be ordered by the Ministry of Information Industry to rectify the matter within a stipulated time limit and, depending on the seriousness of the situation, be warned or subject to a fine of not more than Rmb 30, 000.

Article 43 Those who violate Article 27 hereof and such act constitutes a criminal offence, criminal liability shall be pursued. If the act does not constitute a criminal offence, they shall be penalized by the relevant State authorities in accordance with the provisions of relevant laws and administrative regulations.

PART SIX SUPPLEMENTARY PROVISIONS

Article 44 Domain name registration service providers providing domain name registration services prior to the implementation of these Procedures shall complete registration procedures with the Ministry of Information Industry within 60 days of the implementation of these Procedures.

Article 45 These Procedures shall be effective as of 20 December 2004. The Administration of China Internet

Domain Names Procedures (Ministry of Information Industry Order No. 24) shall be repealed simultaneously.