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China Internet Domain Name Regulations

Order No.30, Ministry of Information Industry of the People's Republic of China

"China Internet Domain Name Regulations" has been reviewed and approved on the 8th Minister Working Meeting) of Ministry of Information Industry (MII) on September 28, 2004 and is now promulgated.

The Regulations shall go into force as of December 20, 2004.

The Minister of MII
Wang Xudong
November 5, 2004

Chapter I General Provisions

Article 1

China Internet Domain Name Regulations (hereafter the Regulations) are formulated in accordance with the relevant provisions of the state and with reference to the international rules for the administration of Internet domain names, with a view to promoting the development of the Internet in China, safeguarding the secure and reliable operation of China Internet Domain Names System and regulating the administration of China Internet domain names System.

Article 2

The Regulations shall be observed in the registration of domain names and in the activities with relation thereto within the territory of the People's Republic of China.

Article 3

The definitions of the following terms mentioned in the Regulations are as follows:

1. Domain Name

Refers to the character identification of hierarchical structure that identifies and locates a computer on the Internet and corresponds to the IP address of this computer.

2. Chinese Domain Name

Refers to the domain name that contains Chinese characters.

3. DNS Root Server

Refers to the server that bears the function of root nodes in the domain name system.

4. Operation Entity of DNS Root Server

Refers to the institution that is responsible for operating, maintaining and administering the DNS root server.

5. Top Level Domain (TLD) Name

Refers to the name of the first level domain under the root node in the domain name system.

6. Domain Name Registry

Refers to the administration institution that is responsible for operating, maintaining and managing certain Top Level Domain Name System.

7. Domain Name Registrar

Refers to certain service institution that accepts applications for registering domain names, directly completes the registration processes in domestic Top Level Domain Name databases; directly or indirectly completes the registration processes in oversea Top Level Domain Name databases.

Article 4

MI I is responsible for the administration of the Internet domain names in China. Its main responsibilities are as follows:

- 1) Formulating the regulations and policies concerning the administration of the Internet domain names;
- 2) Establishing the system for .CN ccTLD and Chinese domain names;
- 3) Administering the operational institutions of DNS root servers, which set up and operate the DNS root servers (including mirror servers) within the territory of the People's Republic of China;
- 4) Administering Domain Name Registry and Registrars within the territory of the People's Republic of China;
- 5) Supervising and administering domain name registration services;
- 6) Being responsible for international coordination related to domain names.

Article 5

Any organization or individual shall not take any action to hamper the normal operation of the Internet Domain Name System in China.

Chapter II Administration of Domain Names

Article 6

Internet domain name system in China shall be promulgated by MII in form of proclamation. MII may adjust the Internet domain name system and re-promulgate it according to practical situation.

Article 7

Chinese Domain Name is an integral part of the Domain Names System of China. MII shall encourage and support the technical research, gradual spreading and application of Chinese Domain Names.

Article 8

Setting up any DNS root server or establishing any operational institution of DNS root server within the territory of the People's Republic of China shall be approved by MII.

Article 9

Any organization that applies for setting up DNS root server or engages in running any DNS root server shall meet the following requirements:

- 1) It shall have corresponding funds and professional personnel;
- 2) It shall have the environment and technical capabilities of guaranteeing the reliable operation of DNS root server;
- 3) It shall have perfect measures for safeguarding the security of the networks and information;
- 4) It shall meet requirements of the development of the Internet and the stable operation of domain name system;
- 5) It shall meet other requirements prescribed by Chinese government.

Article 10

Any organization that applies for setting up DNS root server or engages in running any DNS root server shall submit the following documents to MII:

- 1) The general information of the applicant organization;
- 2) The situation of the proposed DNS root server;
- 3) Technical solutions for networks;
- 4) The certification of the measures for safeguarding the security of networks and information.

Article 11

Any organization that applies for setting up Domain Name Registry or Registrar within the territory of the People's Republic of China shall be approved by MII.

Article 12

Any organization that applies for running Domain Name Registry shall meet the following requirements:

- 1) It shall set up top level domain name server (exclude mirror server) within the People's Republic of China, and the corresponding top level domain name shall accord with the global and domestic Internet domain name system;
- 2) It shall have funds and professional personnel that are suitable for conducting activities related to domain name registration;
- 3) It shall have good performance and experiences in conducting the Internet domain name related businesses;
- 4) It shall have the credit standing and ability of providing services in a long-term;
- 5) It shall have business development plans and the relevant technical solutions;
- 6) It shall have perfect monitoring mechanism on the domain name registration services and safeguard measures on the networks and information securities;
- 7) It shall meet other requirements prescribed by Chinese government.

Article 13

A Domain Name Registry applicant shall submit the following documents to MII:

- 1) Certificate of relevant fund and personnel;
- 2) Certificate of effectively operating domestic TLD name server;
- 3) Certificate that may prove the applicant's credit standing;
- 4) Business development plan and relevant technical solutions;
- 5) Certification of the measures for safeguarding the security of networks and information;
- 6) The model agreement that proposed to be signed with Domain Name Registrars;
- 7) The document that gives the promise of complying the relevant national laws, policies and the domain name

system of China and signed by the legal representative of the Domain Name Registry applicant.

Article 14

Any organization that engages in domain name registration service shall meet the following requirements:

- 1) It is legally established incorporated company or incorporated institution;
- 2) It shall possess at least 1 million RMB Yuan of the registered capital; It shall set up domain name registration service system within the territory of the People's Republic of China, and shall have the specialty engineers and customer service personnel to engage domain name registration service;
- 3) It shall have the credit standing and capability of providing services to the customers in a long-term;
- 4) It shall have business development plans and the relevant technical solutions;
- 5) It shall have perfect safeguard mechanism on the networks and information securities;
- 6) It shall have perfect quit mechanism of domain name registration service;
- 7) It shall meet other requirements prescribed by Chinese government.

Article 15

A Domain Name Registrar applicant shall submit the following documents to MII:

- 1) Qualification Certificate of the incorporated company or the incorporated institution.
- 2) Information of the domain type that the applicant organization propose to engage in, and corresponding technical and customer service personnel;
- 3) Letter of intent or agreement signed with relevant Domain Name Registry or Registrar overseas;
- 4) The model of customer service agreement;
- 5) Business development plans and the relevant technical solutions;
- 6) Certificate of technical safeguard mechanism on the networks and information securities;
- 7) Document that proves the credit standing of the applicant;
- 8) The document that gives the promise of complying the relevant national laws and policies and signed by the legal representative of the applicant organization.

Article 16

In case the application material is all ready and complies with the legal forms, MII shall offer the acceptance notification to the applicant; in case lacking of application material or the material does not comply with the legal forms, MII shall give the one-off notification in written form to the applicant of all other requested material on the spot or do so within Five days; for those rejected applications, MII shall issue the rejection notification to the applicant with reasons.

Article 17

MI I shall accomplish the review process within 20 working days since the issuance of the acceptance notification, and make the decision on whether or not to approve the application. In case the decision can not be made within 20 working days, the period may be extended for another 10 days with the approval of the principal of MII. MII shall also notify the applicant with the reason for the deferred decision.

For the approved applications, MII shall issue position paper of the approval; for those rejected applications, MII shall notify the applicants in written form with reasons for the rejection.

Article 18

The Domain Name Registry shall self-consciously follow the relevant national laws, administrative rules and regulations, ensure the safe and reliable operation of the domain name system, and provide Domain Name Registrars with safe and convenient services equally and rationally.

The registry shall not interrupt any Domain Name Registrar's registration service without proper reason.

Article 19

Domain Name Registrars shall self-consciously follow the relevant national laws, administrative rules and regulations, and shall provide users with domain name registration services equally and rationally.

Any Domain Name Registrar shall not defraud, intimidate or take any other malfeasant measures to request users to register domain names.

Article 20

Either the name, address, legal representative or any other registration information of the Domain Name Registrar changes, or the cooperation between the Domain Name Registry and the Domain Name Registrar is changed or terminated, the Domain Name Registrar shall put on record to MII within 30 days afterwards.

Article 21

The Domain Name Registry shall deploy necessary networks or emergency communication devices, develop effective provisioning strategies for securing network communications, and shall perfect the emergency system for the security of networks and information.

For safeguarding national security and dealing with emergencies, Domain Name Registry and Registrars shall submit to the command and coordination of MII, complying with and implementing the administrative requirements set force by MII.

Article 22

MI I shall strengthen the supervision and inspection over Domain Name Registry and Registrars, and correct violations during inspections.

Chapter III Domain Name Registration

Article 23

The Domain Name Registry shall formulate the detailed implementation rules in accordance with the regulations and shall come into force after being reported to MII for record.

Article 24

The domain name registration follows the principle of "first come, first served".

Article 25

In order to maintain the interests of the nation and the civil society, the Domain Name Registry may take necessary measures to protect certain words, and put it on record to MII before implementation.

Except for the articles provided in preceding paragraphs, the Domain Name Registry and Domain Name Registrars shall not reserve domain names or do so in disguised form. During the process of domain name registration, the registry and registrars shall not represent any actual or potential domain name holder.

Article 26

The Domain Name Registry and Domain Name Registrars shall publish the contents, durations and fees of domain name registration service, provide WHOIS search service for the domain name registration information, ensure the quality of the domain name registration service and shall be responsible for providing domain name registration information to MII.

Without customer's permission, any Domain Name Registry and Domain Name Registrar may not put the registration information into other use except for those in the preceding paragraph. However, such limitation is void when the national laws and administrative dominate.

Article 27

Any of the following contents shall not be included in any domain name registered and used by any organization or individual:

- 1) Those that are against the basic principles prescribed in the Constitution;
- 2) Those jeopardize national security, leak state secrets, intend to overturn the government, or disrupt of state integrity;
- 3) Those harm national honor and national interests;
- 4) Those instigate hostility or discrimination between different nationalities, or disrupt the national solidarity;
- 5) Those violate the state religion policies or propagate cult and feudal superstition;
- 6) Those spread rumors, disturb public order or disrupt social stability;
- 7) Those spread pornography, obscenity, gambling, violence, homicide, terror or instigate crimes;
- 8) Those insult, libel against others and infringe other people's legal rights and interests; or
- 9) Other contents prohibited in laws, rules and administrative regulations.

Article 28

The domain name applicant shall submit the information of the proposed domain name in the manner of true, accurate and complete, and shall sign the registrant agreement with the Domain Name Registrar.

The domain name applicant will become the domain name holder after finishing the registration process.

Article 29

The domain name holder shall comply with the laws, rules and administrative regulations of the state concerning the Internet.

In case any violation of legal rights and interests are caused by registering or using certain domain name, the domain name holder shall take the responsibility.

Article 30

The operation fee for registered domain names shall be paid on schedule by the registrant. The Domain Name Registry shall formulate the specific measures for the fee collection and submit to MII for putting on records.

Article 31

In case the registration information of a domain name changes, the holder of the domain name shall apply for changing the registration information corresponding Domain Name Registrar within 30 days after the change.

Article 32

A domain name holder may select or change the Domain Name Registrar. If the domain name holder changes the Domain Name Registrar, the former registrar shall bear the obligation of transferring the registration information of the domain name holder.

Any Domain Name Registrar shall not deter any domain name holder from changing the Domain Name Registrar without proper reason.

Article 33

Domain Name Registry shall set up hotlines for accepting customers' complaint, or take other necessary measures to timely handle customers' suggestions toward the registry; for problems that are hard to be solved instantly, the registry must explain the reason to the customer and limit a time frame for the processing.

If a complainer does not see any result or he/she is unsatisfied with the result, or the complainer is unsatisfied with the service provided by the Domain Name Registry, the complainer or the Domain Name Registry may appeal to MII.

Article 34

If a registered domain name involves any of the following requirements, the original Domain Name Registrar shall delete it and notify the domain name holder in written form:

- 1) In case the domain name holder or his/her deputy applies for the cancellation of the domain name;
- 2) In case the registration information submitted by the domain name holder is unauthentic, inaccurate or incomplete;
- 3) In case the domain name holder fails to pay the corresponding fees in accordance with the provisions;
- 4) In case the domain name shall be written off in accordance with the judgment by the people's court, arbitration institution or the domain name dispute resolution institution; or
- 5) In case the domain name is in violation of the provisions and the relevant laws and regulations.

Article 35

Domain Name Registry and Domain Name Registrars have the obligation of conducting website inspection in concert with the national governing departments, and request to suspend or cease the resolution service of the domain name concerned.

Chapter IV Domain Name Disputes**Article 36**

The Domain Name Registry may designate a neutral institution for resolving domain name disputes.

Article 37

If any person complains to the domain name dispute resolution institution concerning a registered domain name or a domain name in use, which conforms to the requirements specified in the domain name dispute resolution policy, the domain name holder shall participate in the proceedings for the resolution of the dispute on the domain name.

Article 38

Decisions of the domain name dispute resolution institution shall only involve the change of holder's information of the domain name in dispute. In case the decision of the domain name dispute resolution institution is in conflict with the legally effective judgment of the people's court or the arbitration organization, the legally effective judgment of the people's court or the arbitration organization prevails.

Article 39

If a domain name dispute is being processed by the people's court, the arbitration organization or the domain name dispute resolution institution, the domain name holder shall not transfer the domain name in dispute, unless the transferee of the domain name agrees in writing to be subject to the judgment by the people's court, the arbitration institution or the domain name dispute resolution institution.

Chapter V Penalty Provisions

Article 40

In case anyone who violates the provisions of Article 8, Article 11 of the Regulations, setting up any DNS root server or running Domain Name Registry/Registrar without administrative permission, MII shall take measures to deter it from continuing the outlawed business according to article 81 of "Administrative license law of the People's Republic of China", and shall, depending on the circumstances, warn or impose a fine of not more than RMB 30,000 Yuan.

Article 41

In case any Domain Name Registrar encroaches upon unapproved registration services, MII shall charge it to make corrections within a specified period; for those who do not put right any defects in time, MII shall take measures to deter it from continuing the outlawed business according to article 81 of "Administrative license law of the People's Republic of China", and shall, depending on the circumstances, warn or impose a fine of not more than RMB 30,000 Yuan.

Article 42

In case anyone who violates the provisions of Article 5, Article 18, Article 19, Article 20, Article 25, Article 26, Article 32 and Article 35 of the Regulations, MII shall order it to make corrections within a specified period, and shall, depending on the circumstances, warn or impose a fine of not more than RMB 30,000 Yuan.

Article 43

Any person who violates the provisions of Article 27, and constitutes a crime, he or she shall be prosecuted for his or her criminal activities according to the laws; If the act does not constitute a crime, he or she shall be penalized by the relevant institutions of the state in accordance with the provisions of the relevant laws, rules and administrative regulations.

Chapter VI Supplementary Provisions

Article 44

The Domain Name Registrars which have started the registration service of Internet domain names prior to the entry into force of the Regulations shall go through record procedures in MII within 60 days from the date of the entry into force of the Regulations.

Article 45

The Regulations shall go into force as of Dec.20, 2004. The former version of "China Internet Domain Name Regulations" (published on Aug.1, 2002, MII Order No. 24) shall be annulled.

(Note: All translations are for reference only; any terms shall be implemented in accordance with original Chinese version)

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