

Order of the Ministry of Industry and Information Technology of the People's Republic of China

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"Several Provisions on Regulating the Order of the Internet Information Service Market" has been released on December 7, 2011. The 22nd ministerial meeting of the Ministry of Information and Chemical Technology has been deliberated and passed, and is hereby announced, and will come into force on March 15, 2012.

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Several Provisions on Standardizing the Order of the Internet Information Service Market

Article 1 In order to regulate the order of the Internet information service market and protect the legality of Internet information service providers and users Rights, and promote the healthy development of the Internet industry. According to the "Regulations of the People's Republic of China on Telecommunications", "Internet Information Service Management These regulations are formulated in accordance with the provisions of laws and administrative regulations such as the Administrative Measures.

Article 2 Engaging in Internet information services and activities related to Internet information services within the territory of the People's Republic of China, This regulation should be followed.

Article 3 The Ministry of Industry and Information Technology and the Communications Administration of each province, autonomous region, and municipality directly under the Central Government (hereinafter collectively referred to as "telecommunications management Institutions") implement supervision and management of Internet information service activities in accordance with the law.

Article 4 Internet information service providers shall provide services in accordance with the principles of equality, voluntariness, fairness, and integrity.

Article 5 Internet information service providers shall not implement the following infringements on the legitimate rights and interests of other Internet information service providers the behavior of:

(1) Maliciously interfere with the services of other Internet information service providers on the user terminal, or maliciously interfere with Internet information Services related to software and other products ("Internet information services related software and other products" hereinafter referred to as "products") Download, install, run and upgrade;

(2) Fabricating or disseminating false facts to damage the legitimate rights and interests of other Internet information service providers, or slander other Services or products of online information service providers;

(3) Malicious implementation of incompatibility with the services or products of other Internet information service providers;

(4) To deceive, mislead or force users to use or not to use the services of other Internet information service providers or product;

(5) Maliciously modify or deceive, mislead, or force users to modify the services of other Internet information service providers or Product parameters;

(6) Other acts that violate national laws and regulations and infringe the legitimate rights and interests of other Internet information service providers.

Article 6 The evaluation of the services or products of Internet information service providers shall be objective and fair.

Where the evaluation party discloses or provides evaluation results to users, it shall also provide evaluation implementers, evaluation methods, and data to Information related to the evaluation activity, such as the source, the original user evaluation, the evaluation method, and the evaluation environment. Evaluation results should be true and accurate , The information related to the evaluation activities should be complete and comprehensive. The service or product being evaluated and the service or product of the evaluating party For the same or similar functions, the evaluation result shall not contain the evaluation party's subjective evaluation.

If the evaluated party disagrees with the evaluation result, it can re-evaluate the evaluation result on its own or entrust a third party. The party should cooperate.

The evaluation party shall not use the evaluation results to deceive, mislead, or force users to do something about the evaluated party's services or products. Set.

The "evaluation" mentioned in these regulations refers to the provision of a platform for users to evaluate, or use other methods to evaluate Internet information services or products. The performance of the product is evaluated and tested.

Article 7 Internet information service providers must not commit the following acts that infringe on the legitimate rights and interests of users:

(1) Refusing, delaying or suspending the provision of Internet information services or products to users without justified reasons;

(2) Restricting users to use or not use their designated Internet information services or products without justifiable reasons;

(3) Providing users with Internet information services or products by means of deception, misleading or coercion;

(4) The Internet information services or products provided are inconsistent with the publicity or promise made to users;

(5) Unauthorized changes to service agreements or business procedures, reducing service quality or increasing user responsibilities;

(6) Failure to actively prompt and explain to users when the services or products of other Internet information service providers are not compatible ;

(7) Modify the user's browser configuration or other settings without prompting and the user actively chooses to agree;

(8) Other acts that violate national laws and regulations and infringe the legitimate rights and interests of users.

Article 8: Internet information service providers download, install, run, upgrade, and uninstall software on user terminals For other operations, clear and complete software functions and other information should be provided, and the user's consent should be obtained in advance.

Internet information service providers must not perform the following actions:

(1) To deceive, mislead or force users to download, install, run, upgrade, or uninstall software;

(2) Failure to provide an uninstall method equivalent to or more convenient than the software installation method;

(3) Under the condition of not being affected by other software and man-made damage, without the user's active choice and consent, the software will be uninstalled after being uninstalled. Executable code or other unnecessary files reside in the user terminal.

Article 9 If the Internet information service terminal software is bundled with other software, it shall prompt the user in a conspicuous manner, and the user shall Users actively choose whether to install or use, and provide independent uninstall or shutdown methods, and no unreasonable conditions shall be attached.

Article 10 Internet information service providers pop up advertisements or other information unrelated to terminal software functions on user terminals. In case of an information window, the user shall be provided with a functional identification for closing or exiting the window in a conspicuous manner.

Article 11 Without the user's consent, Internet information service providers shall not collect user-related, independent or Information that is combined with other information to identify the user (hereinafter referred to as "user personal information"), the user's personal information shall not be provided to Others, except as otherwise provided by laws and administrative regulations.

Internet information service providers who collect user personal information with the user's consent shall clearly inform the user of the collection and processing The method, content and purpose of the user's personal information shall not be collected other than necessary for the provision of services, and the user's personal information shall not be collected. Personal information is used for purposes other than the provision of services.

Article 12 Internet information service providers shall properly keep users' personal information; the kept users' personal information shall be leaked Remedial measures should be taken immediately when it is exposed or may be leaked; if it causes or may cause serious consequences, it should be reported to the relevant authorities immediately. Report to the telecommunications management agency with Internet information service license or filing, and cooperate with the investigation and handling of relevant departments Rationale.

Article 13 Internet information service providers shall strengthen system security protection, and maintain the security of information uploaded by users in accordance with the law. All, to ensure that users use, modify, and delete uploaded information.

Internet information service providers must not have the following behaviors:

(1) Modify or delete user uploaded information without proper reason;

(2) Providing user upload information to others without the user's consent, except as otherwise provided by laws and administrative regulations;

(3) Transfer users' upload information without authorization or under the guise of users, or deceive, mislead, or force users to transfer their uploads information;

(4) Other acts that endanger the security of information uploaded by users.

Article 14 Internet information service providers shall publicize effective contact information in a conspicuous manner, and accept users and their The complaint of other Internet information service providers shall be responded to within 15 days from the date of receipt of the complaint.

Article 15 Internet information service providers believe that other Internet information service providers have violated these regulations. In order to infringe on its legitimate rights and interests and cause or may cause a significant impact on the rights and interests of users, the other The Internet information service provider's Internet information service license or telecommunications management agency report.

The telecommunications regulatory agency shall evaluate the impact of the reported or discovered behavior that may violate this regulation; the impact is particularly If it is significant, the communications administration bureau of the relevant province, autonomous region, or municipality directly under the Central Government shall report to the Ministry of Industry and Information Technology. The telecommunications regulatory agency is in Before making a handling decision in accordance with these regulations, Internet information service providers may be required to suspend relevant activities. The service provider should implement it.

Article 16 Internet information service providers who violate the provisions of Article 5, Article 7 or Article 13 of these regulations shall be subject to The telecommunications management agency shall order corrections according to its powers, issue warnings, and may concurrently impose fines ranging from RMB 10,000 to RMB 30,000, Announcement; among them, the "People's Republic of China Telecommunications Regulations" or "Internet Information Service Management Measures" stipulate legal responsibilities, Handle in accordance with its regulations.

Article 17 If the evaluation party violates the provisions of Article 6 of these regulations, the telecommunications regulatory agency shall issue a warning in accordance with its powers. A fine of more than 10,000 yuan and less than 30,000 yuan shall be concurrently imposed and announced to the public.

Article 18: Internet information service providers violate Articles 8, 9, 10, 11, and 10 of these regulations According to the provisions of Article 2 or Article 14, the telecommunications management agency shall issue a warning according to its powers, and may also impose a penalty of 10,000 yuan or more and 30,000 yuan. Fines below RMB yuan shall be announced to the public.

Article 19 Internet information service providers violate Article 15 of these regulations and fail to implement the suspension of the telecommunications regulatory agency The telecommunications regulatory agency shall issue a warning in accordance with its powers and make an announcement to the public if it is required by the relevant behavior.

Article 20: Internet information service providers who violate the provisions of other laws and administrative regulations shall be dealt with in accordance with their provisions.

Article 21 These regulations shall come into force on March 15, 2012.