



互联网信息服务管理办法

第一条为了规范互联网信息服务活动，促进互联网信息服务健康有序发展，制定本办法。

第二条在中华人民共和国境内从事互联网信息服务活动，必须遵守本办法。

本办法所称互联网信息服务，是指通过互联网向上网用户提供信息的服务活动。

第三条互联网信息服务分为经营性和非经营性两类。

经营性互联网信息服务，是指通过互联网向上网用户有偿提供信息或者网页制作等服务活动。

非经营性互联网信息服务，是指通过互联网向上网用户无偿提供具有公开性、共享性信息的服务活动。

第四条国家对经营性互联网信息服务实行许可制度；对非经营性互联网信息服务实行备案制度。

未取得许可或者未履行备案手续的，不得从事互联网信息服务。

第五条从事新闻、出版、教育、医疗保健、药品和医疗器械等互联网信息服务，依照法律、行政法规以及国家有关规定须经有关主管部门审核同意的，在申请经营许可或者履行备案手续前，应当依法经有关主管部门审核同意。

第六条从事经营性互联网信息服务，除应当符合《中华人民共和国电信条例》规定的要求外，还应当具备下列条件：

(一)有业务发展计划及相关技术方案；

(二)有健全的网络与信息安全保障措施，包括网站安全保障措施、信息安全保密管理制度、用户信息安全

Measures for Managing Internet Information Services

Article 1: These measures are drawn up for the purpose of regulating Internet information services (IIS) and promoting the healthy and orderly development of such services.

Article 2: IIS providers in the People's Republic of China must abide by these measures.

The term IIS refers to services that provide Internet users with information via the Internet.

Article 3: IIS are divided into commercial and non-commercial providers.

Commercial IIS refer to providing Internet users with information via the Internet in exchange for compensation, or providing Web page creation services.

Non-commercial IIS refer to providing Internet users with open-source and shared-information services via the Internet on a non-compensatory basis.

Article 4: The state requires that commercial IIS be licensed and that non-commercial IIS report their services for the official records.

No one may provide IIS without a license or without reporting its services.

Article 5: Prior to applying for an operating license or reporting IIS services for the record, an IIS provider whose services relate to information, the publishing business, education, medical and health care, pharmaceuticals, and medical apparatus; and whose services require the concurrence of the relevant supervisory authorities in accordance with the law, with administrative regulations, or with other relevant state laws, must first obtain the approval of the relevant supervisory authorities.

Article 6: In addition to meeting the requirements set forth in the "PRC Telecommunications Regulations," a commercial IIS provider must also meet the following requirements:

1. It must have a business development plan and a supporting technical plan;

2. It must have sound measures for Internet and information security, including measures for safeguarding Web sites, and information security and rules for ensuring the safety of

管理制度;

(三)服务项目属于本办法第五条规定范围的,已取得有关主管部门同意的文件。

第七条从事经营性互联网信息服务,应当向省、自治区、直辖市电信管理机构或者国务院信息产业主管部门申请办理互联网信息服务增值电信业务经营许可证(以下简称经营许可证)。

省、自治区、直辖市电信管理机构或者国务院信息产业主管部门应当自收到申请之日起60日内审查完毕,作出批准或者不予批准的决定。予以批准的,颁发经营许可证;不予批准的,应当书面通知申请人并说明理由。

申请人取得经营许可证后,应当持经营许可证向企业登记机关办理登记手续。

第八条从事非经营性互联网信息服务,应当向省、自治区、直辖市电信管理机构或者国务院信息产业主管部门办理备案手续。办理备案时,应当提交下列材料:

(一)主办单位和网站负责人的基本情况;

(二)网站网址和服务项目;

(三)服务项目属于本办法第五条规定范围的,已取得有关主管部门的同意文件。

省、自治区、直辖市电信管理机构对备案材料齐全的,应当予以备案并编号。

第九条从事互联网信息服务,拟开办电子公告服务的,应当在申请经营性互联网信息服务许可或者办理非经营性互联网信息服务备案时,按照国家有关规定提出专项申请或者专项备案。

第十条省、自治区、直辖市电信管理机构和国务院信息产业主管部门应当公布取得经营许可证或者已履行备案手续的互联网信息服务提供者名单。

users' information; and

3. It must have documents that prove the concurrence of its supervisory authorities if its operations belong to one of the categories listed in Article 5.

Article 7: A commercial IIS provider must apply to the IIS administration of the relevant province, autonomous region or municipality under the central government's direct jurisdiction, or to the State Council department in charge of information industries, for its license to operate an IIS value-added telecommunications business (hereafter "license").

The telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction, or the State Council department in charge of information industries, will finish examining and approving an application within 60 days after receiving the application, and decide whether the application is approved or not. If the application is approved, the administration will issue an operating license to the applicant; if it is not approved, the administration will notify the applicant in writing and explain the reason.

After applicants receive the licenses, they must use them to go through registration formalities with the authorities that handle business registration.

Article 8: A non-commercial IIS provider must report its operations for the official records at the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction, or at the State Council department in charge of information industries. When it does so, it must provide the following information:

1. Basic facts about the sponsor and the person in charge;

2. The Web site address and the services it provides; and

3. Proof of concurrence from the relevant authorities if its services fall within the scope of Article 5.

The telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction must create a record and assign a number to those cases that have furnished all the necessary documents.

Article 9: An IIS provider planning to provide e-announcements shall submit a special application, or special request for the record, in accordance with relevant state regulations when it applies for a commercial IIS license, or when it reports its special request to provide non-commercial IIS for the record.

Article 10: The telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction, or the State Council department in charge of information industries, shall publicize the names of all the IIS providers that have been licensed for operations; or that have had

第十一条互联网信息服务提供者应当按照经许可或者备案的项目提供服务，不得超出经许可或者备案的项目提供服务。

非经营性互联网信息服务提供者不得从事有偿服务。

互联网信息服务提供者变更服务项目、网站网址等事项的，应当提前30日向原审核、发证或者备案机关办理变更手续。

第十二条互联网信息服务提供者应当在其网站主页的显著位置标明其经营许可证编号或者备案编号。

第十三条互联网信息服务提供者应当向上网用户提供良好的服务，并保证所提供的信息内容合法。

第十四条从事新闻、出版以及电子公告等服务项目的互联网信息服务提供者，应当记录提供的信息内容及其发布时间、互联网地址或者域名；互联网接入服务提供者应当记录上网用户的上网时间、用户帐号、互联网地址或者域名、主叫电话号码等信息。

互联网信息服务提供者和互联网接入服务提供者的记录备份应当保存60日，并在国家有关机关依法查询时，予以提供。

第十五条互联网信息服务提供者不得制作、复制、发布、传播含有下列内容的信息：

- (一)反对宪法所确定的基本原则的；
- (二)危害国家安全，泄露国家秘密，颠覆国家政权，破坏国家统一的；
- (三)损害国家荣誉和利益的；
- (四)煽动民族仇恨、民族歧视，破坏民族团结的；
- (五)破坏国家宗教政策，宣扬邪教和封建迷信的；
- (六)散布谣言，扰乱社会秩序，破坏社会稳定的；
- (七)散布淫秽、色情、赌博、暴力、凶杀、恐怖或

their requests recorded and filed.

Article 11: An IIS provider shall provide the services prescribed in its license, or the services it has reported for the record. It may not provide other services than those prescribed in the license or reported for the record.

A non-commercial IIS provider may not accept compensation for its services.

When an IIS provider changes its services or its Web site address, it shall have the change processed 30 days in advance by the original authorities that approved, licensed, or recorded its services.

Article 12: An IIS provider must display its license or record number in a prominent place on the home page of its Web site.

Article 13: An IIS provider must provide Internet users with high-quality services, and it must guarantee that its information is legal.

Article 14: An IIS providing services related to information, the publishing business, and e-announcements shall record the content of the information, the time that the information is released, and the address or the domain name of the Web site. An Internet service provider (ISP) must record such information as the time that its subscribers accessed the Internet, the subscribers' account numbers, the addresses or domain names of the Web sites, and the main telephone numbers they use.

An IIS provider and the ISP must keep a copy of their records for 60 days and furnish them to the relevant state authorities upon demand in accordance with the law.

Article 15: IIS providers shall not produce, reproduce, release, or disseminate information that contains any of the following:

- 1. Information that goes against the basic principles set in the constitution;
- 2. Information that endangers national security, divulges state secrets, subverts the government, or undermines national unity;
- 3. Information that is detrimental to the honor and interests of the state;
- 4. Information that instigates ethnic hatred or ethnic discrimination, or that undermines national unity;
- 5. Information that undermines the state's policy towards religions, or that preaches the teachings of evil cults or that promotes feudalistic and superstitious beliefs;
- 6. Information that disseminates rumors, disturbs social order, or undermines social stability;
- 7. Information that spreads pornography or other salacious materials; promotes gambling, violence, homicide, or

者教唆犯罪的;

(八)侮辱或者诽谤他人, 侵害他人合法权益的;

(九)含有法律、行政法规禁止的其他内容的。

第十六条互联网信息服务提供者发现其网站传输的信息明显属于本办法第十五条所列内容之一的, 应当立即停止传输, 保存有关记录, 并向国家有关机关报告。

第十七条经营性互联网信息服务提供者申请在境内境外上市或者同外商合资、合作, 应当事先经国务院信息产业主管部门审查同意; 其中, 外商投资的比例应当符合有关法律、行政法规的规定。

第十八条国务院信息产业主管部门和省、自治区、直辖市电信管理机构, 依法对互联网信息服务实施监督管理。

新闻、出版、教育、卫生、药品监督管理、工商行政管理和公安、国家安全等有关主管部门, 在各自职责范围内依法对互联网信息内容实施监督管理。

第十九条违反本办法的规定, 未取得经营许可证, 擅自从事经营性互联网信息服务, 或者超出许可的项目提供服务的, 由省、自治区、直辖市电信管理机构责令限期改正, 有违法所得的, 没收违法所得, 处违法所得3倍以上5倍以下的罚款; 没有违法所得或者违法所得不足5万元的, 处10万元以上100万元以下的罚款; 情节严重的, 责令关闭网站。

违反本办法的规定, 未履行备案手续, 擅自从事非经营性互联网信息服务, 或者超出备案的项目提供服务的, 由省、自治区、直辖市电信管理机构责令限期改正; 拒不改正的, 责令关闭网站。

terrorism; or instigates crimes;

8. Information that insults or slanders other people, or infringes upon other people's legitimate rights and interests; or

9. Other information prohibited by the law or administrative regulations.

Article 16: When an IIS provider discovers that the information its Web site provides is clearly of a type listed under Article 15, it should immediately stop transmission, keep the relevant records, and report the situation to the relevant state authorities.

Article 17: When a commercial IIS provider applies to have its business publicly listed in China or overseas, or to set up a joint venture or partnership with a foreign business, it must have the prior agreement of the State Council department in charge of information industries. The proportion of the total investment that is supplied by the foreign business shall be in line with the provisions prescribed in the relevant laws and administrative regulations.

Article 18: The State Council department in charge of information industries, and the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction, shall exercise supervision over IIS providers in accordance with the law.

Departments in charge of information, the publishing business, education, public health, and pharmaceuticals; departments in charge of business administration; and departments in charge of national security, must supervise the contents of Internet information in areas under their respective jurisdictions and in accordance with the law.

Article 19: For those who violate the regulations in these measures by providing unlicensed commercial IIS, or by providing other services than those prescribed by their licenses, the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction must order them to mend their ways within a specified period, confiscate their illegal incomes, and impose on them a fine between three and five times their illegal incomes. In cases where there is no illegal income, or in cases where the illegal income is less than 50,000 renminbi (US\$6,039), they must impose on them a fine of between Rmb 100,000 and Rmb 1 million (US\$12,079 and US\$120,788). If the case is serious, they will be ordered to shut down their Web sites.

For those that violate the regulations in these measures by failing to report their operations for the record, by engaging in non-commercial IIS, or by providing other services than those prescribed in the filed records, the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction will order them to mend their ways within a certain period; and order those who refuse to do so to shut down their Web sites.

第二十条制作、复制、发布、传播本办法第十五条所列内容之一的信息，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，由公安机关、国家安全机关依照《中华人民共和国治安管理处罚条例》、《计算机信息网络国际联网安全保护管理办法》等有关法律、行政法规的规定予以处罚；对经营性互联网信息服务提供者，并由发证机关责令停业整顿直至吊销经营许可证，通知企业登记机关；对非经营性互联网信息服务提供者，并由备案机关责令暂时关闭网站直至关闭网站。

第二十一条未履行本办法第十四条规定的义务的，由省、自治区、直辖市电信管理机构责令改正；情节严重的，责令停业整顿或者暂时关闭网站。

第二十二条违反本办法的规定，未在其网站主页上标明其经营许可证编号或者备案编号的，由省、自治区、直辖市电信管理机构责令改正，处5000元以上5万元以下的罚款。

第二十三条违反本办法第十六条规定的义务的，由省、自治区、直辖市电信管理机构责令改正；情节严重的，对经营性互联网信息服务提供者，并由发证机关吊销经营许可证，对非经营性互联网信息服务提供者，并由备案机关责令关闭网站。

第二十四条互联网信息服务提供者在其业务活动中，违反其他法律、法规的，由新闻、出版、教育、卫生、药品监督管理和工商行政管理等有关主管部门依照有关法律、法规的规定处罚。

第二十五条电信管理机构和其他有关主管部门及其工作人员，玩忽职守、滥用职权、徇私舞弊，疏于对互联网信息服务的监督管理，造成严重后果，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，对直接负责的主管人员和其他直接责任人员依法给予降级、撤职直至开除的行政处分。

Article 20: If the acts of those who produce, reproduce, release, or disseminate information of the types listed in Article 15 constitute a crime, the perpetrators in question will be held accountable for the crime.

If their acts do not constitute a crime, they will be penalized by public security or national security authorities in accordance with relevant laws and administrative regulations, such as the "PRC Regulations for Controlling and Penalizing Public Offences," and the "Measures for Protecting and Managing the Security of Computer Information Networks and the Internet". For commercial IIS providers, the licensing authorities will order them to suspend their operations pending rectification of the acts, or revoke their operating licenses, and will report them to the authorities that handle business registration. For non-commercial IIS providers, the authorities that keep their records will order them to shut down their Web sites temporarily or permanently.

Article 21: For those who fail to meet the obligations prescribed in Article 14, the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction will order them to mend their ways. If the cases are serious, these administrations will order them to suspend their operations pending rectification of the acts, or shut down their Web sites temporarily.

Article 22: For IIS providers that violate the regulations in these measures by failing to display the number of their operating licenses or their filed records on the home pages of their Web sites, the telecommunications administration of the relevant province, autonomous region, or municipality under the central government's direct jurisdiction will order them to mend their ways and impose on them a fine of between Rmb 5,000 and Rmb 50,000 (US\$604 and US\$6,040).

Article 23: For those IIS providers that fail to meet the obligations prescribed in Article 16, the telecommunications administration of the relevant province, autonomous region, or municipality under the direct jurisdiction of the central government will order them to mend their ways. For commercial IIS providers, the licensing authorities will revoke their licenses if their cases are serious; for non-commercial IIS providers, the authorities that keep their records will order them to shut down their Web sites.

Article 24: If IIS providers violate other laws or regulations when providing their services, the relevant supervisory authorities in charge of information, the publishing business, education, public health, pharmaceuticals administration, industry and business administrations or other relevant institutions shall penalize them in accordance with the relevant laws and regulations.

Article 25: When the telecommunications administrations or other relevant supervisory authorities and their personnel neglect their duties, abuse their authority, practice favoritism, commit graft, or ignore their supervision of IIS providers, they will be held accountable if their acts have had grave consequences and constitute a crime. If their acts do not constitute a crime, the supervisors and other personnel who are directly responsible will be disciplined by demotion, removal, or

第二十六条在本办法公布前从事互联网信息服务的，应当自本办法公布之日起60日内依照本办法的有关规定补办有关手续。

第二十七条本办法自公布之日起施行。

dismissal.

Article 26: IIS providers that began operation before these measures were promulgated must undergo the necessary formalities within 60 days of the promulgation of these measures.

Article 27: These measures take effect upon promulgation.