

# China Internet Domain Name Regulations

September 2002

China Internet Network Information Center

## 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) Domain name root server refers to the server that bear the function of root nodes in the domain name system.

(4) Institution for operating domain name root server refers to the institution that is responsible for operating, maintaining and administering the domain name root servers.

(5) Top-level domain (TLD) refers to the name of the first level domain under the root node in the domain name system.

(6) Registry refers to the administration institution that is responsible for operating, maintaining and managing one or more top-level domain names and administering

the registration of domain names under this top-level domain name.

(7) Registrar refers to the service institution that accepts and audits the application for the domain name registration, and completes the registration process in the domain name database.

**Article 4** Any organization or individual shall not take any action to hamper the normal operation of Internet Domain Names System in China.

## **Chapter II Administration of Domain Names**

**Article 5** The Ministry of Information Industry is responsible for the administration of the Internet domain names in China, Its major functions and responsibility are as follows:

- (1) Formulating the regulations and policies concerning the administration of the Internet domain names;
- (2) Establishing the system for Country ( or Regional )Code Top Level Domain (ccTLD) under .CN and Chinese domain names;
- (3) Administering the registry of .CN ccTLD and the Chinese domain names;
- (4) Administering the operational institution of domain name root servers, which sets up and operates the domain names root servers within the territory of the People' Republic of China;
- (5) Supervising and administering the service of domain name registration;
- (6) Be in charge of the international coordination regarding to domain names.

**Article 6** China Internet domain names system shall be promulgated by the Ministry of Information Industry in form of proclamation. The Ministry of Information Industry may adjust the Internet domain name system partially and re-promulgate it according to the actual development of domain names.

**Article 7** Chinese domain name is an integral part of the Domain Names System of China. The Ministry of Information Industry shall encourage and support the technical research, gradual spreading and application of Chinese Domain Names.

**Article 8** The administration of domain names shall be conducted level-by-level. The domain name registry and holders of each level domain names shall be responsible for the administration of registration of lower level domain names and the related service according to the requirements of the Regulations and other relevant provisions.

**Article 9** The domain name registry is responsible for operating and administering the corresponding domain name system, maintaining the domain name database and authorizing the registrars to provide the domain name registration services. Its main functions and responsibility include:

- (1) Operating, maintaining and administering the corresponding top-level domain name servers and database and ensure the secure and reliable operation of the domain name system;
- (2) Formulating the rules concerning the domain name registration in accordance with the Regulations;
- (3) Selecting domain name registrars based on the principle of non-discrimination; and
- (4) Supervising and administering the registration service provided by domain name registrars.

Article 10 The establishment of domain names root servers, domain name registrars and domain names root server operational institutions within the territory of the People's Republic of China shall be authorized by the Ministry of Information Industry.

### **Chapter III Administration of Registrars**

**Article 11** The establishment of the domain name registry within the territory of the People's Republic of China shall be put on record with the Ministry of Information Industry.

Any organization or individual shall not engage in the service of the domain name registration without being recorded.

**Article 12** Any organization that engages in the service of the domain name registration shall meet the following conditions:

- (1) It shall be an a legal person established according to the laws;
- (2) It shall have sufficient funds and appropriate professionals to provide domain name registration services;
- (3) It shall have the reputation and ability of providing services in the long-term;
- (4) It shall have the services development plan and the related technical resolutions;

(5) It shall have perfect measures for safeguarding the security of the networks and information;

(6) It shall meet other requirements prescribed by the Ministry of Information Industry.

**Article 13** Any organization that engages in the service of domain name registration shall go through the recording procedure with the Ministry of Information Industry. When going through the procedures, it shall submit the following documents:

(1) The legal person certificate;

(2) The categories of domain names that are proposed to be registered;

(3) The cooperation agreement signed with the relevant domain name registry;

(4) The model clauses of the user service agreement ;

(5) The service development plan and the related technical resolutions ;

(6) The verification of the measures for safeguarding the security of networks and information.

**Article 14** If such registration information as the name, address or legal representative of the domain name registrar changes or the cooperative relationship between the registrar and the registry changes or terminates, domain name registrar shall record such situation with the Ministry of Information Industry within 30 days after the change or termination.

#### **Chapter IV Domain Name Registration**

**Article 15** The domain name registry shall formulate in accordance with the Regulations the detailed implementation rules for the domain name administration and registration that shall come into force after being reported to the Ministry of Information Industry for record.

**Article 16** The domain name registration adopts the principle of first come, first serve.

**Article 17** When expanding the range of the domain name registration, the domain name registry may specify the duration of pre-registration, make necessary reservations for certain words and provide corresponding search service on its website.

Except for the articles provided in preceding paragraphs, the domain name registry and 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 18** The domain name registry and registrars shall publish the contents, durations and fees of domain name registration, provide public search service for the domain name registration information and ensure the quality of the domain name registration service.

**Article 19** 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 20** The applicant for the registration of a domain name shall comply with the laws, rules and administrative regulations of the state concerning the Internet, and the relevant provisions concerning domain name registration formulated by the registry and submit the authentic, accurate and complete information of domain name registration.

**Article 21** The operation and administration 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 the Ministry of Information Industry for approval.

**Article 22** The applicant of the domain name registration becomes the holder of the

registered domain name immediately after the registration of the domain name.

The liability for the infringement of others' legal rights and interests arising from holding or using a domain name shall be borne by the holder of the domain name.

**Article 23** If the registration information of a domain name changes, the holder of the domain name shall file the registration of such change with the domain name registrar within 30 days after such change.

**Article 24** The holder of a domain name may select or change the domain name registrar. If the holder of a domain name changes the domain name registrar, the original registrar shall bear the obligation of transferring the registration information of the domain name holder.

**Article 25** If a registered domain name involves any of the following conditions, the original registrar shall write it off and notify the holder of the domain name in written form:

- (1) If the domain name holder or its agent/reseller applies for the cancellation of the domain name;
- (2) If the information on the registration of the domain name submitted by the domain name holder is unauthentic, inaccurate or incomplete;
- (3) If the domain name holder fails to pay the corresponding fees in accordance with the provisions;
- (4) If 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) If the domain name is in violation of the provisions of these provisions and the relevant laws and regulations.

## **Chapter V Domain Name Disputes**

**Article 26** The domain name registry may designate a neutral institution for resolving domain name disputes.

**Article 27** 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 28** The decisions of the domain name dispute resolution institution shall only determine whether to change the information of the holder of the domain name in dispute.

If 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 29** 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 VI Penalty Provisions**

**Article 30** Any person who violates the provisions of Article 4, Article 10, Article 11 and Article 14 of the Regulations, hampers the normal operation of the Internet domain names Systems in China, sets up the domain names root server without authorization, sets up the operational institution for the operation of domain name root servers without authorization or engages in the service of the domain name registration without authorization and record or provides the domain name registration service beyond the items on the record shall be ordered by the Ministry of Information Industry to make corrections within the specified period , and shall, depending on the circumstances, be warned or imposed a fine of not more than RMB30,000 yuan.

**Article 31** Any person who violates the provisions of Article 17, Article 18 of the Regulations shall be ordered by the Ministry of Information Industry to make corrections within the specified period , and shall, depending to the circumstances, be warned or imposed a fine of not more than RMB30, 000 Yuan.

**Article 32** Any person who violates the provisions of Article 19, and whose act constitute a crime, he or she shall be prosecuted for his or her criminal activities according to the laws; If the act has not constituted 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 VII Supplementary Provisions**

**Article 33** The domain name registrars which begin the registration service of Internet domain names prior to the entry into force of the Regulations shall go through the record procedures in accordance with the provisions of the Regulations within 60 days from the date of the entry into force of the Regulations.

**Article 34** The Regulations shall go into force as of Sep.30, 2002. Should there be

any discrepancies in the meanings between the current and former version of the Regulations, the current version shall prevail.

Source: <http://www.cnnic.net.cn/> 08/01/2002