Audio-Visual Programs Broadcast via Internet or Other Information Networks Administrative Provisions
互联网等信息网络传播视听节目管理办法

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Order of the State Administration of Radio, Film and Television (No.39)

Audio-Visual Programs Broadcast via Internet or Other Information Networks Administrative Provisions, which were adopted at the executive meeting on June 15, 2004, are hereby promulgated, and shall come into force as of October 11, 2004.

Director General Xu Guangchun
July 6, 2004

国家广播电影电视总局令
（第 39 号）
《*互联网等信息网络传播视听节目管理办法*》经 2004 年 6 月 15 日局务会议通过，现予发布，自 2004 年 10 月 11 日起施行。
局长 徐光春
二 00 四年七月六日

Chapter I General Provisions

Article 1 The present Measures are formulated for the purpose of regulating the order of broadcast of audio-visual programs through the internet and other information networks, strengthening supervision and administration while promoting the development of socialist culture and ethics.

Article 2 These Measures shall apply to activities in which audiovisual programs/services are launched, played (including view on-demand (VOD), relay or live broadcast), integrated, transmitted or downloaded via mobile communications network, fixed communications network, microwave communications network, cable television network, satellites or other metropolitan area network, wide area network, local area network or other information networks, using Internet Protocol (IP) as the main technical form, and computers, TV sets, mobile phones and other types of electronic equipment as the receiving terminals,.

For the purpose of these Measures, audiovisual programs (including audiovisual products of film and television) shall refer to video and audio programs composed of images that move continuously and/or sound that can be continuously listened to, as shoot and recorded by cameras, video cameras, tape recorders

第一章 总则

第一条 为规范互联网等信息网络传播视听节目秩序，加强监督管理，促进社会主义精神文明建设，制定本办法。

第二条 本办法适用于以互联网协议（IP）作为主要技术形态，以计算机、电视机、手机等各类电子设备为接收终端，通过移动通信网、固定通信网、微波通信网、有线电视网、卫星或其他城域网、广域网、局域网等信息网络，从事开办、播放（含点播、转播、直播）、集成、传输、下载视听节目服务等活动。

本办法所称视听节目（包括影视类音像制品），是指利用摄影机、摄像机、录音机和其它视音频摄制设备拍摄、录制的，由可连续运动的图像或可连续收听的声音组成的视音频节

or other video and audio filming devices.

目。

Article 3 The State Administration of Radio, Film, and Television (SARFT) shall be responsible for the administration of the broadcast of audio-visual programs through the internet and other information networks (hereinafter referred to as the broadcast of audio-visual programs through information network) throughout the country.

The local administrative department of radio and television at or above the county level shall be responsible for the administration of the broadcast of audio-visual programs through the internet and other information network within their own jurisdiction.

第三条 国家广播电影电视总局（以下简称广电总局）负责全国互联网等信息网络传播视听节目（以下简称信息网络传播视听节目）的管理工作。

县级以上地方广播电视行政部门负责本辖区内互联网等信息网络传播视听节目的管理工作。

Article 4 The state applies license system to the business of broadcast audio-visual programs through information network.

第四条 国家对从事信息网络传播视听节目业务实行许可制度。

Article 5 The state encourages the radio stations and television stations at or above the prefecture or city level to broadcast audio-visual programs through the internet.

第五条 国家鼓励地（市）级以上广播电台、电视台通过国际互联网传播视听节目。

Chapter II Business Licensing

第二章 业务许可

Article 6 Whoever intends to engage in the business of Broadcast of Audiovisual Programs via Information Networks shall obtain the Permit for the Broadcast of Audiovisual Programs via Information Networks.

The SARFT shall verify and issue the Permit for the Broadcast of Audiovisual Programs via Information Networks by classification according to the business category, receiving terminals, and transmission networks of the Broadcast of Audiovisual Programs via Information Networks.

The business category shall be classified into the following categories: broadcasting self-produced programs, relaying programs, providing program integrated operation services, etc.

Receiving terminals shall include computers, TV sets, mobile phones and other types of electronic devices.

Transmission networks shall refer to mobile communications network, fixed communications network, microwave communications network, cable television network, satellites or other metropolitan area network, wide area network, and local area network, etc.

第六条 从事信息网络传播视听节目业务，应取得《*信息网络传播视听节目许可证*》。

《*信息网络传播视听节目许可证*》由广电总局按照信息网络传播视听节目的业务类别、接收终端、传输网络等项目分类核发。

业务类别分为播放自办节目、转播节目和提供节目集成运营服务等。
接收终端分为计算机、电视机、手机及其它各类电子设备。

传输网络分为移动通信网、固定通信网、微波通信网、有线电视网、卫星或其他城域网、广域网、局域网等。

Article 7 No wholly foreign-owned organizations, Sino-foreign equity joint ventures or Sino-foreign cooperative joint ventures may engage in the Broadcast of Audiovisual Programs via Information Networks.

Radio stations and television stations duly established upon approval by the SARFT and websites that have the qualifications to release news via the Internet by law may apply for launching the broadcast of audiovisual news programs via information

第七条 外商独资、中外合资、中外合作机构，不得从事信息网络传播视听节目业务。

经广电总局批准设立的广播电台、电视台或依法享有互联网新闻发布资格的网站可以申请开办信息网络传播新

networks; no other organizations or individuals may engage in the same.

Radio stations, television stations and radio, film and television groups (head offices) at or above the level of provinces, autonomous regions, municipalities directly under the Central Government, provincial capitals or cities specifically designated in the State plan, as duly established upon approval by the SARFT, may apply for engaging in, either on their own or by establishing organizations, integrated operation services for the Broadcast of Audiovisual Programs via Information Networks by taking TV sets as the receiving terminals. No other organizations or individuals may carry out the same.

闻类视听节目业务，其他机构和个人不得开办信息网络传播新闻类视听节目业务。

经广电总局批准设立的省、自治区、直辖市及省会市、计划单列市级以上广播电台、电视台、广播影视集团（总台），可以申请自行或设立机构从事以电视机作为接收终端的信息网络传播视听节目集成运营服务。其他机构和个人不得开办此类业务。

Article 8 The following conditions shall be met when applying for the License for Broadcast of Audio-Visual Programs through Information Network:
1. Complying with the general plan and overall arrangement for the broadcast of audio-visual programs through information network as determined by the SARFT;
2. Complying with the industry criteria and technical standards as prescribed by the state;
3. Having self-owned capital, equipment, places, and necessary professionals adapted to the business scale;
4. Having the resources of audio-visual programs accommodated to the business scale and complying with the state provisions;
5. Having the service credit, technical capacity, and network resources accommodated to the business scale;
6. Having perfect system for the examination of the contents of the programs, and broadcast management system;
7. Having feasible program monitoring plans; and
8. Other conditions as prescribed by laws and administrative regulations.

第八条 申请《*信息网络传播视听节目许可证*》，应当具备下列条件：
（一）符合广电总局确定的信息网络传播视听节目的总体规划和布局；
（二）符合国家规定的行业规范和技术标准；
（三）有与业务规模相适应的自有资金、设备、场所及必要的专业人员
（四）拥有与业务规模相适应并符合国家规定的视听节目资源；
（五）拥有与业务规模相适应的服务信誉、技术能力和网络资源；
（六）有健全的节目内容审查制度、播出管理制度；
（七）有可行的节目监控方案；
（八）其他法律、行政法规规定的条件。

Article 9 The following materials shall be submitted when applying for the License for Broadcast of Audio-Visual Programs through Information Network:
1. An Application Report, the contents of which shall include: business category (self-produced programs, relaying and integrating, etc.), broadcast marks (marks exclusively used for undertaking the business of broadcast of audio-visual programs through information network), ways of broadcast (channel broadcast, broadcasting upon request, unloading customization, broadcasting by turn, data broadcast, etc.), transmission network, broadcast carriers, broadcast scope, receiving terminal, category of programs, integrated contents, etc;
2. An application form for the License for Broadcast of Audio-Visual Programs through Information Network;
3. The plans of the contents of undertaking the business of broadcast of audio-visual programs through information network, technical plans, operation plans, and management system;
4. Monitoring plans for providing monitoring signals to the

第九条 申请《*信息网络传播视听节目许可证*》，须提交以下材料：（一）申请报告，内容应包括：业务类别（自办节目、转播、集成等）、播出标识（从事信息网络传播视听节目业务的专用标识）、传播方式（频道播出、点播、下载定制、轮播、数据广播等）、传输网络、传播载体、传播范围、接收终端、节目类别、集成内容等；
（二）《信息网络传播视听节目许可证》申请表；
（三）从事信息网络传播视听节目业务的内容规划、技术方案、运营方案、管理制度；
（四）向政府监管部门提供监控信号的监控方案；

regulatory department of the government;
5. Certification materials on the personnel, equipment and places;
6. Basic information of the institution that applies for handling and the relevant certificates in relation to the carrying out of the business (website registration documents, license of radio station and television station, permit for operation of producing radio and television programs, documents of license on broadcast of new business); and
7 Articles of association, business license, and verification certificate of the company (if the applicant is an enterprise).

（五）人员、设备、场所的证明资料；
（六）申办机构的基本情况及与开展业务有关的证明（网站注册文件、广播电台、电视台许可证、广播电视节目制作经营许可证、从事登载新闻业务许可文件等）；
（七）公司章程、营业执照、验资证明（申请人为企业的）。

Article 10 The institution that applies for the License for Broadcast of Audio-Visual Programs through Information Network shall file an application to the administrative department of radio and television at or above the county level at its locality and submit the written documents complying with the provisions of Article 9, and report to the SARFT for examination and approval after being approved through examination level by level.

The enterprises and institutions subordinated to the Central Government may file an application to the SARFT directly.

The SARFT shall issue the License for Broadcast of Audio-Visual Programs through Information Network for those qualified.

第十条 申请《*信息网络传播视听节目许可证*》的机构，应蛩诘叵、兑陨瞎悴艹缡有姓™部门提出申请，并提交符合第九条规定的书面材料，经逐级审核同意后，报广电总局审批。

中央所属企事业单位，可直接向广电总局提出申请。

符合条件的，广电总局予以颁发《信息网络传播视听节目许可证》。

Article 11 The administrative department of radio and television that is responsible for accepting the application shall perform duties of acceptance and examination in accordance with the time limit and power as prescribed by the Administrative License Law. If the application of an applicant complies with the legal standards, the administrative department of radio and television that has the right to make decision shall make written decision on granting the administrative license. In case a decision on not granting administrative license is made according to law, the applicant shall be notified in writing and be given an explanation.

第十一条 负责受理的广播电视行政部门应按照行政许可法规定的期限和权限，履行受理、审核职责。申请人的申请符合法定标准的，有权作出决定的广播电视行政部门应作出准予行政许可的书面决定。依法作出不予行政许可决定的，应当书面通知申请人并说明理由。

Article 12 The period of validity of the License for Broadcast of Audio-Visual Programs through Information Network shall be two years. If there is necessity to continue to undertake the business of broadcast of audio-visual programs through information network after the expiry of the period of validity, it shall go through extension formalities in accordance with the procedures for examination and approval as prescribed in the present Measures six months before the expiry of the period.

第十二条 《*信息网络传播视听节目许可证*》有效期为二年。有效期届满，需继续从事信息网络传播视听节目业务的，应于期满六个月前按本办法规定的审批程序办理续办手续。

Article 13 The institution that has obtained the License for Broadcast of Audio-visual Programs through Information Network (hereinafter referred to as the "license holding institution") shall undertake the business of broadcast of audio-visual programs through the information network in accordance with the opening subject, business category, marks, broadcast ways, transmission

第十三条 获得《*信息网络传播视听节目许可证*》的机构（以下简称持证机构）应当按照《*信息网络传播视听节目许可证*》载明的开办主体、业务类别、标识、传播方式、传输网络、传播载体、传播范围、接收终端、节目

network, broadcast carriers, broadcast scope, receiving terminals, kinds of programs and integrated contents, and other matters concerned as specified in the License for Broadcast of Audio-Visual Programs through Information Network.

类别和集成内容等事项从事信息网络传播视听节目业务。

Article 14 In case any license holding institution alters its registered capital, shareholder, shareholding proportion, and the operator, business category, marks, broadcast ways, broadcast carriers, broadcast scope, receiving terminals, category of programs and integrated contents, and other matters concerned as specified in the License, it shall report to the SARFT for approval 60 days ahead of schedule and go through formalities for alteration of matters broadcasted in the License.

第十四条 持证机构变更注册资本、股东和持股比例及许可证载明的开办主体、业务类别、标识、传播方式、传播载体、传播范围、接收终端、节目类别和集成内容等事项的，应提前六十日报广电总局批准并办理许可证登载事项变更手续。

In case there is any alteration on the address, website address, name of the website, legal representative and other matters concerned of the license holding institution, who shall put on archives at the SARFT within 30 days after the alteration and go through formalities for alteration of the matters publicized in the License.

持证机构地址、网址、网站名、法定代表人等事项发生变更的，应当在变更后三十日内向广电总局备案并办理许可证登载事项变更手续。

Article 15 A license holding institution shall open business within 90 days after receiving the License for Broadcast of Audio-Visual Programs through Information Network. It shall be subject to the approval of the license issuing organs in case it fails to start the business in time due to special reasons or else it shall be handled as termination of business.

第十五条 持证机构应当在领取《*信息网络传播视听节目许可证*》九十日内开通业务。如因特殊理由不能如期开通，应经发证机关同意，否则按终止业务处理。

Article 16 In case any institution that holds the License for Broadcast of Audio-Visual Programs through Information Network needs to terminate its business, it shall declare to the original license issuing organ 60 days ahead of schedule, and its License for Broadcast of Audio-visual Programs through Information Network shall be written off by the original license issuing organ through public notice.

第十六条 持有《*信息网络传播视听节目许可证*》的机构需终止业务的，应提前六十日向原发证机关申报，其《*信息网络传播视听节目许可证*》由原发证机关予以公告注销。

Chapter III Business Supervision

第三章 业务监管

Article 17 The audio-visual programs of the news category broadcasted to the public through information network shall be limited to the programs produced and broadcasted by radio stations, television stations, radio television stations, and the approved news websites within the territory of China.

第十七条 用于通过信息网络向公众传播的新闻类视听节目，限于境内广播电台、电视台、广播电视台以及经批准的新闻网站制作、播放的节目。

The audio-visual programs of the film and TV play category broadcasted to the public through information network must be TV plays under the "Permit for Issuance of TV Plays" or films under the "Permit for Public Projection of Films".

用于通过信息网络向公众传播的影视剧类视听节目，必须取得《*电视剧发行许可证*》、《*电影公映许可证*》。

Article 18 The provisions of the Copyright Law shall be complied with for broadcast of audio-visual programs through information

第十八条 通过信息网络传播视听节目，应符合《*著作ǔ*》的规定。

network.

Article 19 It is prohibited to broadcast programs containing any of the following contents through information network:
1. those that defy the basic principles determined in the Constitution;
2. those that endanger the unity of the nation, sovereignty, or territorial integrity;
3. those that divulge state secrets, endanger national security, or damages the honor or benefits of the State;
4. those that incite national hatred or discrimination, undermine the solidarity of the nations, or infringe upon national customs and habits;
5. those that propagate evil cults or superstition;
6. those that disturb the public order or destroy the social stability;
7. those that propagate obscenity, gambling, violence, or instigate crimes;
8. those that insult or slander others, or infringe upon the lawful rights and interests of others;
9. those that endanger public ethics or the fine folk culture;
10. containing other contents as prohibited by laws, administrative regulations, and the state provisions.

第十九条 禁止通过信息网络传播有以下内容的视听节目：
（一）反对宪法确定的基本原则的；
（二）危害国家统一、主权和领土完整的；
（三）泄露国家秘密、危害国家安全或者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，或者侵害民族风俗、习惯的；
（五）宣扬邪教、迷信的；
（六）扰乱社会秩序，破坏社会稳定的；
（七）宣扬淫秽、赌博、暴力或者教唆犯罪的；
（八）侮辱或者诽谤他人，侵害他人合法权益的；
（九）危害社会公德或者民族优秀文化传统的；
（十）有法律、行政法规和国家规定禁止的其他内容的。

Article 20 Permit-holding Organizations shall establish and improve management systems for program censoring and broadcast safety, make the editor-in-chief take overall responsibility, and appoint program censors to examine the contents of various programs broadcast thereby.

第二十条 持证机构应建立健全节目审查、安全播出的管理制度，实行节目总编负责制，配备节目审查员，对其播放的节目内容进行审查。

Article 21 The institution for managing information network shall not provide services in relation to the business of broadcast of audio-visual programs to the institution that does not hold the License for Broadcast of Audio-Visual Programs through Information Network.

第二十一条 信息网络的经营机构不得向未持有《*信息网络传播视听节目许可证*》的机构提供与传播视听节目业务有关的服务。

Article 22 For the name, outlines of contents, time limit for broadcast, length of time, resources and other information, the license holding institution shall keep them at least for 30 days.

第二十二条 传播视听节目的名称、内容概要、播出时间、时长、来源等信息，持证机构应当至少保留三十日。

Article 23 When relaying audio-visual programs by making use of information network, only radio and TV programs in the radio station and TV station may be relayed, and no radio and TV program illegal opened may be relayed, nor may any overseas radio and TV programs be relayed.

When using information network to link or integrate audio-visual programs, only the audio-visual programs opened by the institution that has obtained the License for Broadcast of Audio-Visual Programs through Information Network may be linked or

第二十三条 利用信息网络转播视听节目，只能转播广播电台、电视台播出的广播电视节目，不得转播非法开办的广播电视节目，不得转播境外广播电视节目。

利用信息网络链接或集成视听节目，只能链接或集成取得《*信息网络传播视听节目许可证*》机构开办的视听节

integrated, no audio-visual programs in overseas internet website may be linked or integrated.

目，不得链接或集成境外互联网站的视听节目。

Article 24 The administrative department of radio and television at or above the provincial level shall set up audio-visual programs monitoring system, establish system of public supervision and report, and strengthen supervision over and administration of broadcast of audio-visual programs through information network.

The license holding institution shall provide necessary signal receiving conditions for the audio-visual program monitoring system.

第二十四条 省级以上广播电视行政部门应设立视听节目监控系统、建立公众监督举报制度，加强对信息网络传播视听节目的监督管理。

持证机构应当为视听节目监控系统提供必要的信号接入条件。

Chapter IV Penalties

第四章 罚则

Article 25 In case anyone undertakes the business of broadcast of audio-visual programs through information network without permission and approval in violation of the provisions of the present Measures, the administrative department of radio and television at or above the county level shall ban it and impose a fine of RMB 10,000 Yuan up to RMB 30,000 Yuan; if it constitutes a crime, it shall be subject to criminal liabilities according to law.

第二十五条 违反本办法规定，未经批准，擅自从事信息网络传播视听节目业务的，由县级以上广播电视行政部门予以取缔，可以并处一万元以上三万元以下的罚款；构成犯罪的，依法追究刑事责任。

Article 26 In case anyone violates the provisions of the present Measures and has any of the following acts, the administrative department of radio and television at or above the county level shall order it to stop the illegal activities, give it warnings, and rectify within a prescribed time limit, and may impose a fine of less than RMB 30,000 Yuan concurrently, if it constitutes a crime, it shall be subject to criminal liabilities according to law.
1. Failing to undertake the business of broadcast of audio-visual programs through information network in accordance with the matters specified in the License for Broadcast of Audio-Visual Programs through Information Network;
2. Altering without permission and approval the matters specified in the License, the registered capital of the license holding institution, and the shareholding proportion of shareholders;
3. Breach the provisions of Article 16 and 18 of the present Measures;
4. Broadcasting the audio-visual programs as prohibited from broadcasting by Article 19 of the present Measures;
5. Providing and broadcasting relevant services in relation to the business of broadcast of audio-visual programs to the institution that does not hold the License for Broadcast of Audio-Visual Programs through Information Network;
6. Failing to keep the records of broadcast of audio-visual programs as required;
7. Relaying overseas radio and TV programs through information network, or relaying illegally opened radio and TV programs; or
8. Illegally linking or integrating overseas radio and TV programs and illegally linking or integrating audio-visual programs

第二十六条 违反本办法规定，有下列行为之一的，由县级以上广播电视行政部门责令停止违法活动、给予警告、限期整改，可以并处三万元以下的罚款：构成犯罪的，依法追究刑事责任。
（一）未按《*信息网络传播视听节目许可证*》载明的事项从事信息网络传播视听节目业务的；
（二）未经批准，擅自变更许可证载明事项、持证机构注册资本、股东和持股比例；
（三）违反本办法第十六条、第十八条规定的；
（四）传播本办法第十九条规定禁止传播的视听节目的；
（五）向未持有《*信息网络传播视听节目许可证*》的机构提供与传播视听节目业务有关服务的；
（六）未按规定保留视听节目播放记录的；
（七）利用信息网络转播境外广播电视节目，转播非法开办的广播电视节目的；
（八）非法链接、集成境外广播电视节目以及非法链接、集成境外网站传

broadcasted by overseas websites.

播的视听节目的。

Article 27 In case any legal representative of an opening institution, chief editor, or examinant of the programs fails to perform his duties due in violation of the present Measures, and occurs the aforesaid contents for more than three times, the administrative department of radio and television at or above the county level shall give warnings to the opening institution, and impose a fine of less than RMB 1,000 Yuan concurrently.

第二十七条 违反本办法规定，开办机构的法定代表人、节目总编或节目审查员未履行应尽职责，出现三次以上违规内容的，省级以上广播电视行政部门对开办机构予以警告，可以并处一千元以下罚款。

Chapter V Supplementary Provisions

第五章 附则

Article 28 Any institution shall apply for change of the License in accordance with the provisions of the present Measures, that has received the License for Broadcast of Audio-Visual Programs through Internet before the implementation of the present Measures, within 6 months from the date of implementation of the present Measures

第二十八条 本办法实施前已领取《*网上传播视听节目许可证*》的机构，应在本办法实施之日起六个月内按照本办法规定申换许可证。

Article 29 The present Measures shall come into force as of October 11, 2004. The Measures for the Administration of the Broadcast of Audio-Visual Programs through Internet and Other Information Network (Order No.15 of the SARFT) as promulgated by the SARFT shall be repealed simultaneously.

第二十九条 本办法自 2004 年 10 月 11 日起施行。广电总局《互联网等信息网络传播视听节目管理办法》（广电总局令第 15 号）同时废止。

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