



China, Law Enforcement and DNS Filtering

Uncertainties, Questions and Challenges



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China's Domain Name System

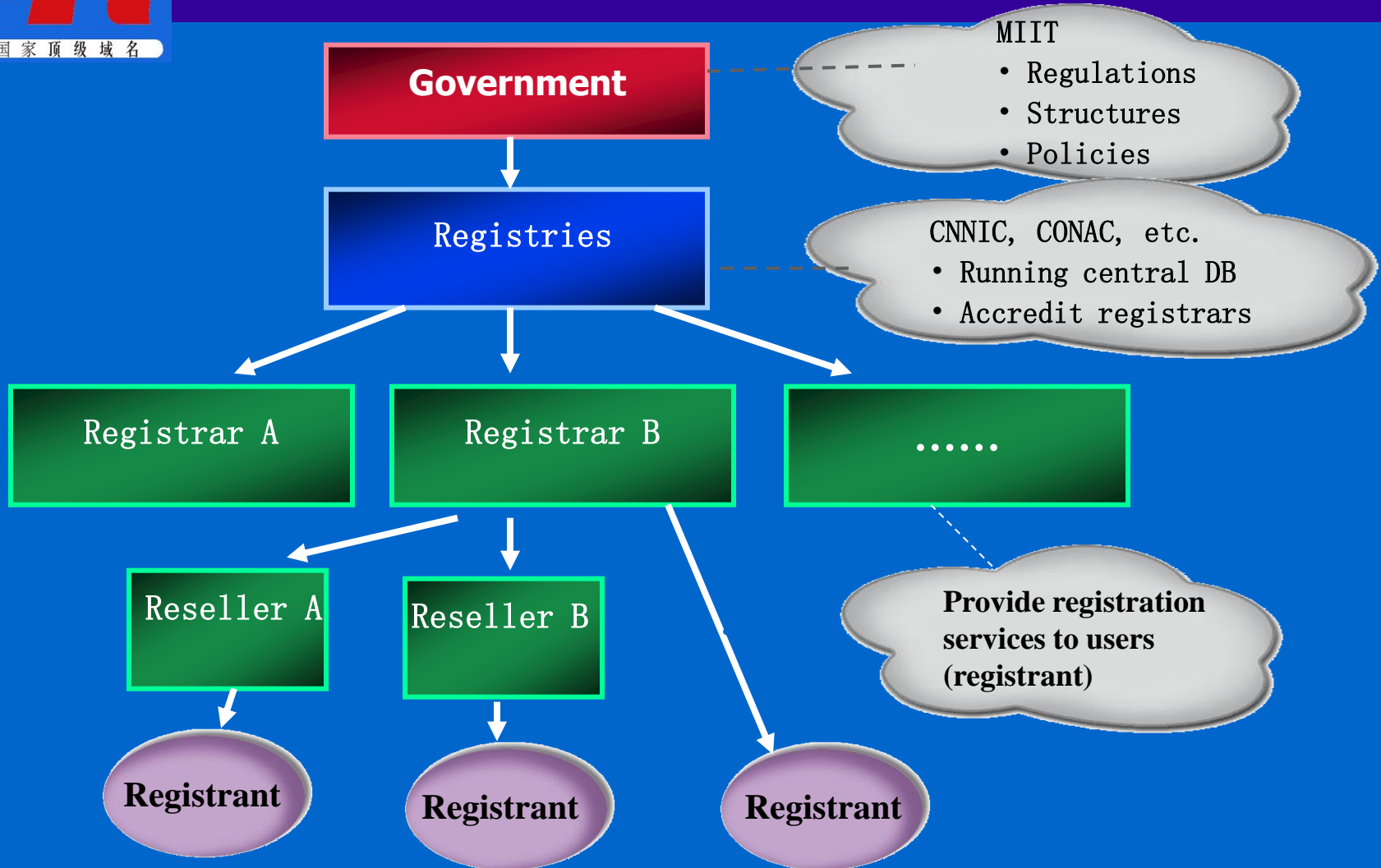
- *China Internet Domain Name Regulations*
 - Any organization that applies for *setting up* Domain Name Registry or Registrar within the territory of the People's Republic of China shall be approved by MIIT.
- ccTLDs
 - “.CN”
- : “.中国” / “中國” (China)
- gTLDs
 - “.公司” (Company)
 - “.网络” (Network)
 - “.政务” (Governmental Affairs)
 - “.公益” (Public Interest)
 -





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Structure of DN registration





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General Observations

- On one hand,
 - CDNs have great market potential.
 - Market will be more competitive, transparent and open.
- On the other,
 - Government is enforcing stricter regulatory measures.
 - Strengthening regulation on registries and registrars
 - Obliging registries or registrars to monitor the contents
 - Enforcement measures potentially conflicting with the DNS integrity
 - *Domain name filtering measures*



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Legal System

- **Criminal Law**
- **Civil Law**
 - Tort Liability Law
 - Copyright Law
- **Administrative Law**
 - **State Council: Regulations on Administration of Internet Information Services (2000)**
 - **MIIT: Action Plan on Clearing-UP Pornography and Obscenity on the Mobile Network (2009)**
 - **MIIT: Regulations on Administration of Internet Domain Names (2004)**



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Administrative Measures

- Since August 2009 more than 9,000 websites shut down
- 2010 anti-vulgarity and pornography campaign on mobile network
- *CNNIC and registrars* condemned for lax management that enabled communication of obscene or pornographic information via domain tasting, fast flux, overseas registrations or other illegal means
- **MIIT order CNNIC to enforcement the following measures**
 - Blacklisting shut-down websites
 - Ensuring true, precise and complete registration information
 - *Stopping resolution of unregistered websites (including fast flux)*
 - *Stopping resolution of domain names identified by the competent authority*



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CNNIC Actions

- **CNNIC Focus Actions (up to March 2012)**
 - Stopped resolution of 6434 domain names discovered by CNNIC and 748 domain names identified by others
 - Blacklisted 3754 domain name holders



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Criminal Liability

- **Criminal law**
 - Crime of making, copying, publishing selling and communicating obscene or pornographic objects
- **Guidelines of Supreme People's Court and Supreme People's Procuratorate**
 - Knowingly providing access, hosting, storage or conduit services to obscene or pornographic websites
 - Providing domain name registration and resolution services



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Issue One

- **Administrative measures without judicial review**
 - Stopping resolution of identified domain names under administrative orders
 - CNNIC should comply with the orders (even without court decision)
 - No judicial review or supervision available



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Issue Two

- **Privacy concerns**
 - **Registration information accuracy**
 - Thin whois but have information collection
 - Registration information succinctly inspected and verified
 - No personal data protection law; MIIT recently regulates collection and protection of personal information in the Internet information market
 - **Information submitted to authority**



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Issue Three

- **Content regulations**
 - **Domain name registry and registrars are obliged to check legality of domain name strings and the contents of the website for the purpose of blacklisting and resolution cessation**



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Issue Four

- **Extraterritorial Effect**
 - **CN available to overseas domain names**
 - **Domain names registered by overseas holders**
 - **Domain names registered via overseas registrars**
 - **Overseas domain name servers**
 - **Actions covers overseas domain names**
 - **Overseas websites (under CN) blacklisted**
 - **Resolution of overseas holders' domain names (under CN) stopped**



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Thanks Welcome to China!

