



DEZAN SHIRA & ASSOCIATES

Your Partner for Growth in Asia

ICP Filing Introduction

Jul 29th 2019 by Thomas Zhang



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Section 1

Law & Regulation



What's ICP Filing?

- ICP means Internet Content Provider and the certification of ICP is mandatory and legal requirement for hosting and running any website (accessing via either domain or IP) in mainland of China.

- Two types of ICP certification:

- **ICP License** for commercial website (the website itself generating revenue through, fox example, publishing information, AD...etc. or providing a platform for others to generate ir

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900000 违法和不良信息举报电话: 010-62675637 举报邮箱: jubao@vip.sina.com

- **ICP Filing** for non-commercial website (only for information purpose without generating revenue)

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- Besides ICP License/Filing, the website owner is also asked to do PSB(Public Security Bureau) Filing within the 30 days of website online (after ICP Filing/License done).

Related Law & Regulation

- **Administrative Measures on Internet-based Information Services (State Council, 2011)**
 - Article 3 Internet-based information services are divided into services of a commercial nature and services of a non-commercial nature. Commercial internet-based information services refer to compensatory services which provide information to or create web pages for online users through the Internet. Non-commercial internet-based information services refer to non-compensatory services which supply, through the Internet, to online users information which is open to and shared by the general public.
 - Article 4 The State shall implement a license system for internet-based information services of a commercial nature, and implement a filing-for-record system for internet-based information services of a noncommercial nature.
- **Measures for the Administration of IP Address Archiving (MIIT, 2005)**
- **Administrative Measures for the Filing of Not-for-profit Internet Information Services (MIIT, 2005)**
- **Administrative Measures on Security Protection for International Connections to Computer Information Networks (Ministry of Public Security, 2011)**
 - Article 12 Inter-connected organizations, node network organizations, legal persons and other organizations which use international connections to computer information networks (including entities with connections that cross provinces, autonomous regions or centrally-administered municipalities and their branch organizations) must go through the procedure for registration with the relevant authorities designated by the public security organs of the local people's governments of the relevant provinces, autonomous regions or centrally-administered municipality within **thirty (30) days** of the official connection of the network.

Legal Consequence of Incompliance

- **Article 19 of *Administrative Measures on Internet-based Information Services***

- Whoever, in violation of provisions of these Measures, engages in internet-based information services of a commercial nature without having obtained an operation license or provides services outside the licensed scope, shall be ordered by the administrative organ in charge of telecommunications in the relevant province, autonomous region or directly administered municipality to rectify the situation within a set time limit; where illegal gains are made, such gains shall be confiscated, and a fine of more than 300 per cent and less than 500 per cent of the amount of the illegal gains shall be imposed; where there are no illegal gains or the amount of illegal gains is less than 50,000 yuan, a fine of more than 100,000 yuan and less than 1,000,000 yuan shall be imposed;
- where the circumstances are serious, the web site(s) shall be ordered to close. Whoever, in violation of provisions of these Measures, engages in internet-based information services of a non-commercial nature without having completed the filing-for-record formalities, or provides services beyond the items filed for record, shall be ordered by the administrative organ in charge of telecommunications in the province, autonomous region or directly administered municipality to rectify the situation within a set time limit; if rectification is refused, the web site(s) shall be ordered to be closed.

- **Article 22 of *Administrative Measures for the Filing of Not-for-profit Internet Information Services***

- Whoever violates Article 5 hereof by failing to go through the filing procedures before providing not-for-profit Internet information services will be ordered by the provincial telecommunications administration at the locality of its/his domicile to make a correction within a time limit, and be fined 10,000 yuan in addition; and its/his website will be closed down in case of refusal to make a correction as ordered.

Technical details

Without ICP Filing/License, the ISP would block the access to website and the visitor would see the content similar as below when they are trying to access the site:

温馨提示：该网站暂时无法进行访问

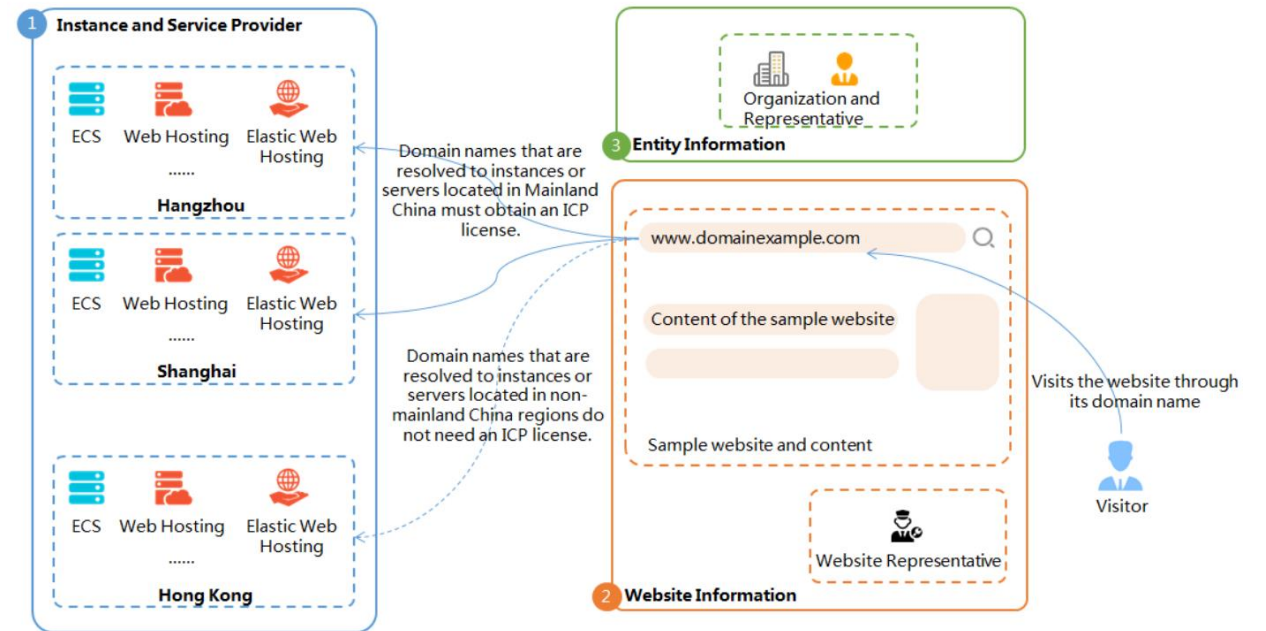
原因一：您尚未根据工信部相关法规申请经营许可或进行网站备案；
原因二：您未根据公安部相关法规完成公安备案；
原因三：网站内容与备案信息不符，建议网站管理员尽快修改网站信息；
原因四：您的网站可能存在不适宜传播的信息，请联系您的网站管理员。

本页为默认提示页面，如网站存在以上问题请及时进行相关处理。
上海蓝云用户ICP备案请登录[上海蓝云备案管理系统](#)；
上海蓝云用户公安备案请登录[全国公安机关互联网安全管理服务平台](#)；
谢谢合作！

Sorry, the website is unable to be accessed at this moment.
According to the ICP filing requirements of China's Ministry of Industry and Information Technology (MIIT) and China Public Security Ministry,
a website is accessible only if the registration is completed and the filled information is accurate.
In addition, the access should be suspended if any prohibited content is published or disseminated.

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Below capture shows how ICP License/Filing screening working:



Section 2

ICP Filing Process



Pre-steps

- **ICP License Needed?**

- ICP Filing is always necessary even ICP License needed too
- Need review business nature, website content carefully for conclusion
- Any other pre-requirement (like news, medicine...etc. needs special approval) needed?
- Any value-added telecom license needed?

- **Apply Domain**

- Only domain registered with MIIT authorized domain registrar is accepted for ICP Filing since 2018
- One .cn domain is suggested for either website or business protection

- **Hosting website**

- ICP Filing needs to provide related internet connection info which can only be obtained from ISP
- ICP Filing is usually done via ISP though it could be done with authority directly

- **Document preparation (List in next slide)**

Document & Info Collection for ICP Filing

Document List

1. Scanned copy of Business license (JPEG/BMP format and same requirement to other scanned copies)
2. Scanned copy of company legal representative's ID or passport
3. Scanned copy of Website technical representative's ID or passport
4. Domain certificate
5. Scanned copy & hardcopy of ICP Filing Info Authenticity Verification Document with company chop & signature of website representative
6. Hardcopy of Cyber Security Responsibility Letter with company chop & signature of website tech representative
7. Photo of website representative with specified background (curtain)
8. Photo of website tech representative withholding own ID or passport

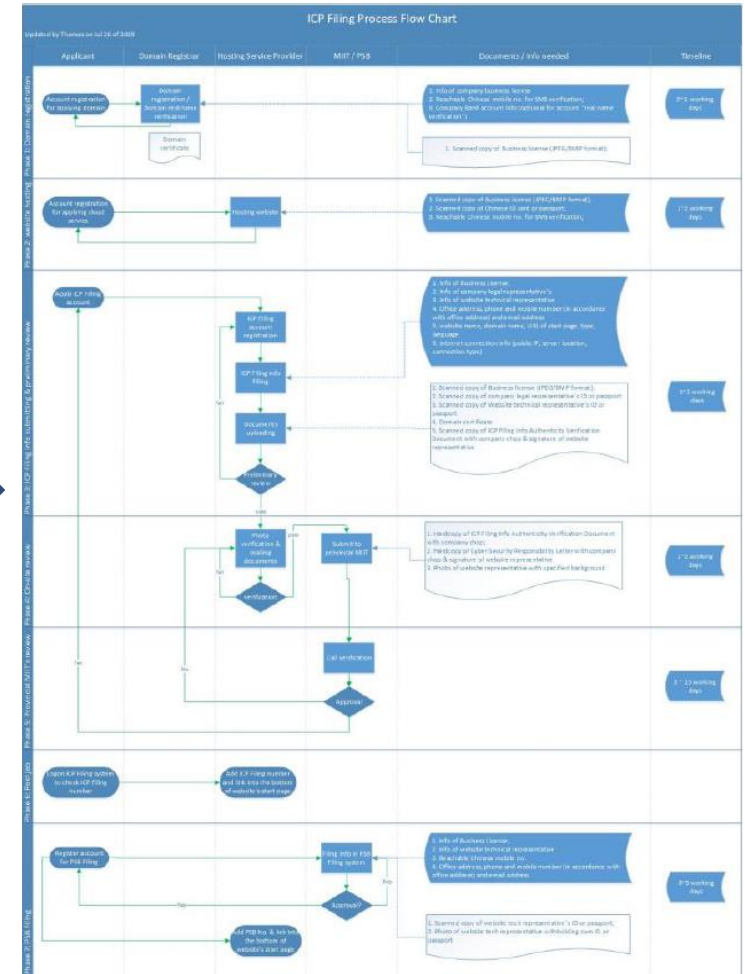
Information List

1. Info of Business License;
2. Info of company legal representative's
3. Info of website technical representative
4. Office address, phone and mobile number (in accordance with office address) and email address
5. website name, domain name, URL of start page, type, language
6. Internet connection info (public IP, server location, connection type)



Microsoft Excel
Worksheet

ICP Filing Process Flow Chart



Section 3

Q&A



Hot Questions About ICP License/Filing (1)

Q1: Online sales (payment) means ICP License needed?

A: Not really. Online sales could be treated as the extension of company's offline sales/payment.

Q2: Can I use the existing domain for ICP Filing?

A: Yes but depends on where it's registered with which domain registrar. Since 2018, only domain registered with MIIT authorized domain registrar can be used for ICP Filing

Q3: Do we need to do ICP Filing if the website PURELY accessible for internal purpose (like internal ERP system) only?

A: Yes, any system/website which accessible through internet need to do ICP Filing, unless you are using IP for access only and that IP being filed by ISP already.

Q4: Do I need to provide local contact for ICP Filing?

A: Yes, the authority would call Website Tech Representative for information verification so one reachable mobile No. and local contact who can speak Chinese is important.

Q5: Is PSB Filing necessary?

A: Yes as regulation stated, but as per our experience, specific province's authority won't ask for it for the website for purely internal usage purpose

Hot Questions About ICP License/Filing (2)

Q6: Is ICP License same with Value-added Telecom License?

- A: ICP License is one sub-category of Value-added Telecom License, specially categorized as B25 Information Service.

Q7: Is .cn domain necessary for ICP Filing?

- A: Not really as long as existing domain is accepted. However, we do suggest to register one .cn domain either for easier domain verification or as protection to business.

Q8: Can WFOE apply ICP Filing?

- A: Yes, WFOE and any other legal entity which has business license in China can apply ICP Filing.

Q9: Can “website technical representative” and “legal representative” be foreigner for ICP Filing?

- Yes but “website technical representative” would receive the call from MIIT for verification so speaking Chinese is important.

Q10: can we do ICP Filing as “Individual” instead of “Company”?

- Yes but related domain need be registered by Individual as well and only for Chinese citizen, and individual’s location should be in accordance with the province for ICP Filing.

Hot Questions About ICP License/Filing (3)

Q11: How long for ICP Filing?

- A: Variable based on the location but usually it would take around 2~3 weeks.

Q12: How much for ICP Filing?

- A: The ICP Filing process itself doesn't have any direct cost but there would be the cost to agency for ICP Filing.

Q13: What's next to do once finished ICP Filing?

- A: Put the ICP Filing number in the bottom of your website's start page with the link to MIIT's ICP Filing query website.

Q14: Do I need ICP Filing if hosting the website in HK instead of mainland of China?

- A: No and it's one kind of compromise for the company who doesn't have legal entity or local contact in mainland of China as it also means slow web access for the customers in mainland of China.

Common Questions to Clients When Following ICP Filing Leads

Q1: Which legal entity will be used for ICP Filing/web site operation? Location?

Q2: What kind of contents will be displayed on the website?

Q3: Is there any online selling/payment transaction on website? If yes, whether the selling product/service from 3rd-party supplier/partner?

Q4: Dose the legal entity in China own any domain?

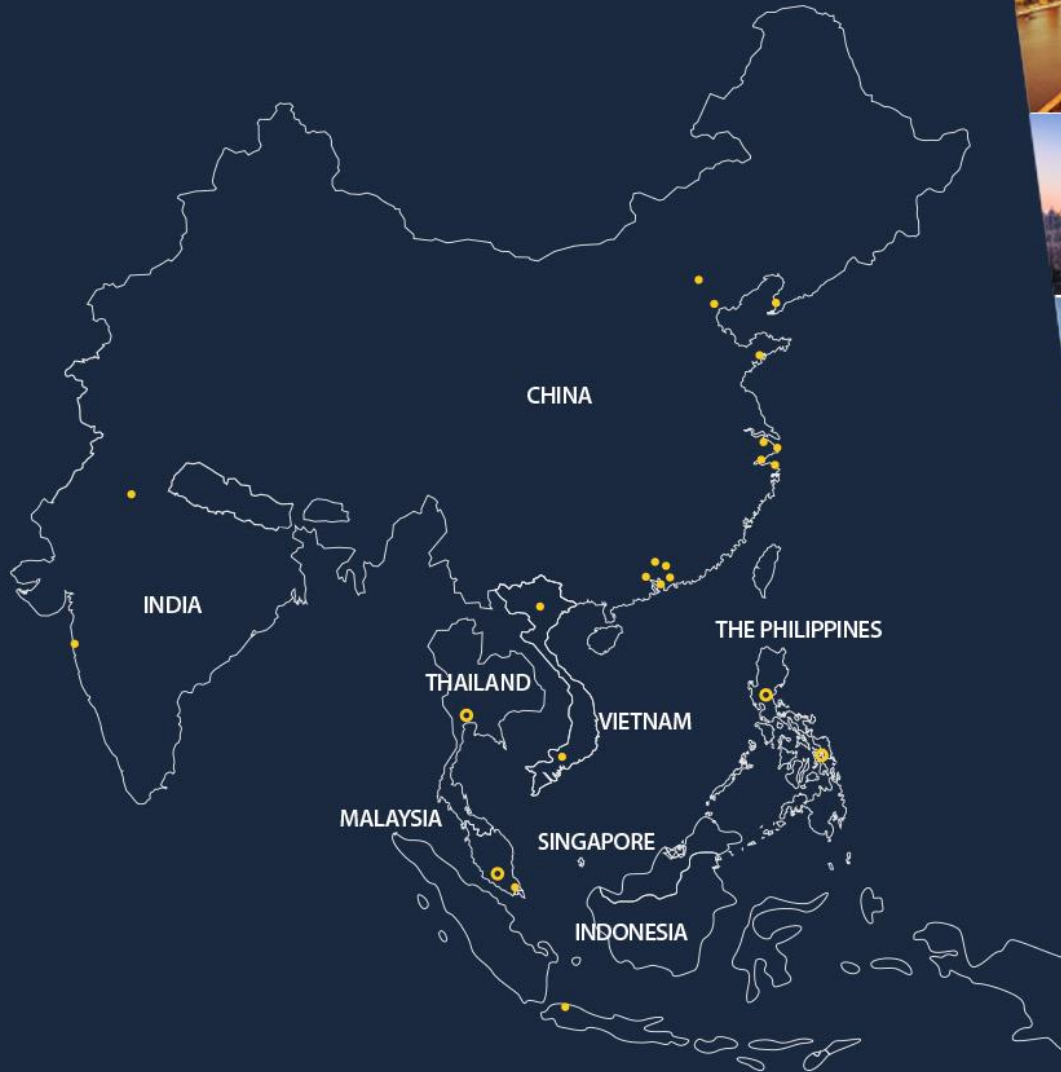
Q5: Where is the website hosted? Cloud or own data center? Location?

Q6: Is there any local Chinese staff who can provide personal ID for ICP Filing process?



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