

New MIIT Domain Name Regulations

- On 1st September 2017, the Chinese Ministry of Industry and Information Technology (the "MIIT") issued new Regulations on the Administration of Internet Domain Names ("Regulations") in China. Source: <http://www.miit.gov.cn/n1146295/n1146557/n1146624/c5778555/content.html>
- **Important to note: Under the new Regulations, any domain name registered through a Registrar based in China or hosted within mainland China, must meet the following requirements:**
 - Domain name is in a top-level domain ("TLD") that has been approved by the MIIT (See Appendix to this Client Advisory for list of current MIIT-approved TLDs);
 - Domain name is registered through (aka sponsored by) a Registrar that has been licensed by a local, provincial arm of the MIIT, called a Communications Bureau;
 - The Registrant for the domain name has successfully completed the Real Name Verification ("RNV") process at the time of registration. The RNV process validates that the Registrant is a real person or entity subject to the laws and jurisdiction of China and is almost identical to the Registrant verification process currently in place for the registration of .CN domain names since 2010.
 - If a Registrant is hosting any domain name within mainland China, they also must obtain an Internet Content Provider ("ICP") number to display on the domain name's website home page. An ICP number is a type of website authorization that must be obtained from the MIIT.
- The new Regulations went into effect on 1st November, 2017.
- If you have registered your domain names, including <.com.cn> and <.cn>, through ASCIO and do not plan to host them within mainland China, these Regulations will have no impact on your domain names.

ASCIO's Point of View (POV)/Recommendations

While the requirements described, above, seem straight-forward, it is widely expected there will be a lot of confusion on how these new rules get implemented. Our team has already seen a fair amount of fearmongering and scare tactics being used by local Chinese registrars and hosting providers in an attempt to gain new business from Western companies. This has largely been successful because the new Regulation is silent on how existing domain name Registrants will transition from the old regime to the new. Most industry experts believe that compliance with the new rules will be expected at the time of renewal of domain names and/or ICP numbers or when either is modified. Thus, avoiding a "hard cut" to the new rules for existing registrations. However, it is important to understand that in China, there are the "rules" and then there is local practice. It is not unusual to see rules interpreted and enforced differently by each province. Typically provinces like Beijing, will follow a strict interpretation of any rules promulgated by the national government and provinces to the south, like Shanghai, will be more liberal and business-friendly in their interpretation. Thus, the provincial office of MIIT that issued your ICP number and/or province your

current hosting provider is located in China is probably going to be determinative of how the transition will be handled for your domain names hosted in mainland China.

Given the above, ASCIO recommends that clients take the following actions immediately:

1. Identify any names within your domain name portfolio that are currently hosted in mainland China. For each name identified, gather the following information:
 - a. Registrant data
 - b. Sponsoring Registrar/Registrar of Record
 - c. Expiration date of domain name
 - d. Name and contact details of hosting provider, including province
 - e. ICP # and type, as well as provincial MIIT office that issued ICP #
 - f. Name and contact details of ICP # applicant
 - g. Expiration date of ICP #

2. Utilize the below chart to determine next steps to mitigate risk (i.e., DNS deactivation, domain name suspension) for existing domain name registrations identified in 1, above.

MIIT regulations scenarios

Current State	Primary Recommended Action	Secondary Recommended Action
Domain name not registered with a China-based Registrar and not hosted in mainland China	No action needed – new Regulations do not apply. Resolution time of website in China may be slow.	No action needed – new Regulations do not apply
Domain Name registered with China-based Registrar and not hosted in mainland China	Transfer name to ASCIO to avoid application of new Regulations to your domain name. Resolution time of website in China may be slow.	No further action required.
Domain Name registered with China-based Registrar and hosted in mainland China. Registrant has an ICP # for domain name	Keep name with current registrar and prepare for RNV process upon renewal. <i>PLEASE NOTE:</i> The name of the entity must be EXACTLY the same (including language script used) on the ICP # registration, Registrant field of the domain name and the Business Registration Certificate. Entity used must be Chinese entity with Chinese office address. It is no longer possible for companies outside China to obtain an ICP license (a.k.a. ICP Bei'An).	Once ASCIO China Registrar license operational, transfer name to ASCIO to consolidate domain portfolio and providers, to minimize security risks.

<p>Domain Name registered with China-based Registrar and hosted in mainland China. Registrant does not have an ICP # for domain name.</p>	<p>Apply for ICP filing with MIIT if no financial transactions occurring on website. Will take 4-6 weeks to obtain. If financial transactions occurring on website, Registrant will need to apply for ICP license. This can take 4-8 months. ASCIO strongly recommends clients seek issuance of ICP license from Shanghai MIIT office. At this time ASCIO cannot provide ICP number registration services & China Registrar services, but we expect to in the near future, We recommend you seek assistance from your Chinese hosting partner at this time.</p>	<p>Once ASCIO China Registrar license operational, transfer name to ASCIO to consolidate domain portfolio and providers, to minimize security risks.</p>
<p>Domain Name registered with China-based Registrar in a TLD not approved by MIIT</p>	<p>Transfer name to ASCIO to avoid application of new Regulations to your domain name. Registrars and hosting providers in China prohibited from managing/renewing domain names and hosting services for non-MIIT approved TLDs.</p>	<p>If want to host content on name, seek hosting outside of China. Resolution time in China may be slow.</p>
<p>Domain name registered with Registrar outside of China (i.e., ASCIO) and name hosted in mainland China. Registrant also has ICP# for domain name.</p>	<p>Move hosting to provider in HK. This is not prohibited under the new rules and will likely enable acceptable resolution times of websites. Some industry experts think this may be only a temporary solution, however. Alternatively, if hosting in mainland China is desired/required by your organization and domain name is currently registered through ASCIO, please contact with your Account Manager or Partner Services for further assistance. PLEASE NOTE: The name of the entity must be EXACTLY the same (including language</p>	<p>Renew domain name and ICP # prior to 1st November 2017 to potentially delay review of new Regulations against your domain name.</p>

	<p>script used) on the ICP # registration, Registrant field of the domain name and the Business Registration Certificate. Entity used must be Chinese entity with Chinese office address. It is no longer possible for companies outside China to obtain an ICP license (a.k.a. ICP Bei'An).</p>	
<p>Domain name registered with Registrar outside of China and name hosted in mainland China. Registrant does not have ICP# for domain name.</p>	<p>Move hosting to provider in HK. This is not prohibited under the new rules and will likely enable acceptable resolution times of websites. Alternatively, if hosting in mainland China is desired/required by your organization and domain name is currently registered through ASCIO, please contact with your Account Manager or Partner Services for further assistance. Apply for ICP filing with MIIT if no financial transactions occurring on website. Will take 4-6 weeks to obtain. If financial transactions occurring on website, Registrant will need to apply for ICP license (a.k.a. ICP Bei'An). This can take 4-8 months. ASCIO strongly recommends clients seek issuance of ICP license from Shanghai MIIT office. Please contact your Chinese hosting provider for assistance. PLEASE NOTE: The name of the entity must be EXACTLY the same (including language script used) on the ICP # registration, Registrant field of the domain name and the Business Registration Certificate. Entity used must be Chinese entity with Chinese office address. It is no longer possible for companies outside China to</p>	<p>Renew domain name prior to 1st November 2017 to potentially delay application of new Regulations to your domain name.</p>

	obtain an ICP license (a.k.a. ICP Bei'An).	
Registrant wants to modify domain name registered with China-based Registrar that is hosted in mainland China. Client has ICP #.	Keep name with current registrar and prepare for RNV process. PLEASE NOTE: The name of the entity must be EXACTLY the same (including language script used) on the ICP # registration, Registrant field of the domain name and the Business Registration Certificate. Entity used must be Chinese entity with Chinese office address. It is no longer possible for companies outside China to obtain an ICP license (a.k.a. ICP Bei'An).	Once ASCIO China Registrar license operational, transfer name to ASCIO to consolidate domain portfolio and providers, to minimize security risks.
Registrant wants to modify domain name registered with China-based Registrar that is hosted outside of China or not hosted at all (defensive registration).	Transfer name to ASCIO to avoid application of new Regulations to your domain name.	No further action required.

- For any new domain name registrations where resolution time in mainland China is important, ASCIO recommends that clients register the name through ASCIO and host the name in HK. If hosting in China is required by your organization, please contact your Account Manager or Partner Services for further assistance. At this time ASCIO cannot provide ICP number registration services and Chinese Registrar Services, but we expect to in the near future, we recommend you seek assistance from your Chinese hosting partner at this time.

The situation in China continues to be fluid, so we will update this advisory as developments warrant. If you should have additional questions, please feel free to contact your Account Manager or Partner Services for further assistance.

Appendix A MIIT Approved TLDs as of 23rd October 2017

Legacy gTLDs	.com, .net, .info, .mobi, .pro, .biz
ccTLDs	.cn (includes 3rd level domains like .com.cn)
New gTLDs	.site, .shop, .club, .ink, .red, .kim, .xyz, .link, .auto, .company, .website, .wang, .VIP, .ltd, .work, .law, .beer, .fun, .online, .store, .tech
IDNs	.购物 - .xn--g2xx48c (Chinese for "shopping"), . 我爱你 - .xn--6qq986b3xl (Chinese for "I love

you”), 在线 - .xn--3ds443g (Chinese for “online”), 中文网 - .xn--fiq228c5hs (Chinese for “.website”), 中国 - .xn--fiqs8s (Chinese for “China”), 集团 - .xn--3bst00m (Chinese for “group” or “conglomerate”), 游戏 - .xn--unup4y (Chinese for “game”), 公司 - .xn--55qx5d (Chinese for “business”), 娱乐 - .xn--fjq720a (Chinese IDN for “entertainment”), 商店 - .xn--czrs0t (Chinese for “shop/store”), 商标 - .xn--cZR694b (Chinese for “trademark”)