Appendix

APPENDIX 1: SERVICE SPECIFICATIONS OF INTERNET PUBLIC RELATIONS (GUIDELINE) OF CHINESE INTERNATIONAL PUBLIC RELATIONS ASSOCIATION (CIPRA)¹

(Released on March 16, 2010)

Preface

With the development and popularity of the Internet and other social digital media such as BBS and blog, the traditional means of information transmission and communication have been changed tremendously. Meanwhile disruptive innovations also happened to the modes of marketing communications and the environment of public relations (PR). Internet public relations (hereinafter referred to as “IPR”) has not only become an indispensable extension of traditional PR services, but also become the fastest growing business model among PR services. A survey by the China International Public Relations Association shows that in 2008 the turnover of China’s public relations market exceeded more than CNY14 billion and the annual growth rate was 29.6%. In 2008, the IPR business emerged and grew rapidly, generating a revenue of CNY880 million, which accounted for 6.3% of the total business market.

Internet-based business activities such as press releases, special feature releases, online events, word of mouth marketing, forum communication, community marketing, public opinion monitoring and crisis management, became the major part of services of the current IPR industry. Major service sectors included fast-moving consumer goods (FMCG), automobile, IT, Internet, and communication industries. As the need for IPR services became routine and popularized, the demand intensified for the normalization and standardization of IPR services. Furthermore with the rapid development of Internet media technologies and increasing innovations of individual communication media such as wireless and 3G, the concept of IPR business and service has expanded to a more extensive direction.

Market development demands for standards of the industry. It is especially important for the IPR service which is an emerging area of business. In our opinion, in order to ensure a sustainable and healthy development of the industry, service specifications of IPR business and code
of conduct for IPR professionals should be established so as to improve professional skills and competence of practitioners in accordance with the “Service Specifications of Public Relations Consultancy (Guideline).” For the above purposes, the PR Company Working Committee of the China International Public Relations Association, after repeated deliberation and study, drafted and enacted this document in order to provide principles for the normalization and standardization of IPR services.

The detailed specifications are as follows:

**Chapter One: The Definition of IPR Service**

**Article One**

The IPR service, based on theories and practice of traditional PR business, is an innovative model of service which performs information dissemination, relations coordination, image management and other public relations tasks. They are achieved via the digital and interactive media of the Internet and social media platforms. Compared with the traditional service model, the IPR service has more significant advantages in terms of immediacy, interactivity, accuracy, ductility and quantitative evaluation.

**Article Two**

Different from other modes of Internet marketing, IPR does not aim at direct sales. IPR considers that any group or individual who has influence over customers are target audience. IPR is engaged in strategic and long term information communication to a general Internet population which aims at serving the brands of customers and long term commercial objectives. The values of IPR for clients lie in the following: to enhance the image of brands and products, to influence the acceptance and purchase behavior of target audience towards brands and products, and to maintain a good reputation and image of companies.

**Article Three**

IPR companies provide IPR products in a variety of ways to meet customers’ demands for public relations services on the Internet. Currently the 10 most essential types of service the industry engages in are: consultation, press releases, project planning, online events, brand promotion, interactive marketing, online opinion monitoring, crisis management, Internet media management and professional training.
Article Four

IPR services could be divided into two categories from the perspectives of product concept and product channel. The category in accordance with the product concept includes information/notification products (Internet news, Internet interviews, Internet special topics), events/experience products (online events, word of mouth marketing, community marketing), monitoring/early warning products (public opinion monitoring, crisis management, comment maintenance), and maintenance/optimization products (website optimization, search engine optimization, traffic promotion). The category in accordance with the product channel includes news communication, forum communication, blog communication, SNS communication, IM communication and video communication.

Chapter Two: The Media Forms and Technology Applications of IPR Service

Article Five

IPR service is mainly based on Internet media and their related technologies. Internet media have some characteristics which traditional media do not have: individuality, immediacy, interactivity, openness and so on. Furthermore Internet media demonstrate a complementary communication path of one-to-many, many-to-many and many-to-one. The proportion of interactive media increased while the focus media became the mainstream. The Internet media overthrew the elite mode of the traditional media and grass-root groups gradually had the power of public discourse transferred into their hand.

Article Six

According to the main communication methods of IPR business, the collaborative media of IPR can be divided into five categories: integrated portal sites, vertical portal sites, forums, blogs and video sites. The most popular communication channels used are news, forums, blogs and video.

Article Seven

In accordance with main functions, the technical support system of IPR business can be divided into five major platforms: the press release platform, the public opinion monitoring platform, the media resource platform, the media communication platform and the execution and monitoring platform.
Chapter Three: The Work Process of IPR Business

Article Eight

The IPR business is a type of professional consultancy service; the outcome and the quality of service are guaranteed by its standardized work process. The work flow includes the project negotiation, project research, project planning, project confirmation, project execution, project evaluation and has its unique work methods, technological tools, service standards, all of which ensure the IPR business a professional service.

Article Nine

The essence of the IPR business is to offer solutions for Internet reputation problems of customers. In other words, the IPR business provides research on the Internet image and reputation of clients, evaluations of IPR strategies and approaches clients have applied, and comparative studies of IPR strategies and approaches employed by clients and competitors. By doing so, it assists clients to identify concrete difficulties, challenges and threats, as well as their own advantages and potential opportunities. It then offers basic conclusions and solutions.

Article Ten

Owing to the technical methods applied by the IPR business, its effects can be more easily evaluated than traditional business. Currently, the most accepted methods of assessment are: the quality assessment based on project planning and execution (the change of Internet traffic, the recognition degree of mainstream media, users’ satisfaction, and brand popularity and so on); the quantity assessment based on project execution (the volume of information dissemination, users’ attention, users’ participation and recommendation level of media); the cost assessment based on resources investment (for example the cost per thousand people).

Article Eleven

The assessment report of the IPR business should include: the project briefing (it mainly covers the description of a commissioned project, the process of consultancy and the overall effect assessment); the project research (the basic status, problems and challenges before the project started); the project planning (the project proposal and main content of the action plan); the project execution (the description of major tasks and work flow); the project assessment (the assessment of execution, effect as well as the influence and positive significance).
Chapter Four: The Charging Modes of IPR Business

Article Twelve

The IPR business is an individualized intellectual service. It charges service fees to its clients. The standard of service charges is determined by the level and experience of respective professionals. The service fee is mainly calculated based on the number of participating professionals and their working hours involved.

Article Thirteen

According to the international common practice and professional service charging experience, the methods of service charges are as follows:

- **Service charge items**: project costs (such as design, media, equipment, activities and other third party costs), consultancy service fees (calculated according to the quality and quantity of participating professionals and the number of working hours involved); project management fees (administrative expenses, travel costs, outsourcing services, etc.); business taxes and so on.
- **Service charge types**: long-term agent fees (charge by month); project service fees (charged by projects); case consultation fees (charged by actual hours or workload depending on negotiation); project management fees (charged by projects).

Article Fourteen

Currently there are four major types of service charges:

- **Charged by solution**: The fee will be charged according to the planning and execution of projects (including project planning, execution, follow-up monitoring and assessment);
- **Charge by workload**: The fee will be charged in accordance with the scale and quantity of the project execution.
- **Charge by working hours**: The fee will be charged based on the working hours contributed by human resources involved in the project. The standard of service charge varies according to different levels of personnel involved.
- **Charged by execution effects**: The fee will be charged in accordance with the effects of project execution (the extent and depth of influence generated by the project).
Chapter Five: Operation Management of IPR Business

Article Fifteen

No matter what business types they are formed, IPR companies should comply with the relevant regulations of the Company Law and other laws of the country. The company should be registered before conducting business; it should establish a company charter and business scope; it should define the leadership structure (the general meeting of shareholders, board of directors and executive management) and its responsibilities; it should keep accounts and other records regularly; it should provide the company audit report and pay taxes in accordance with regulations; company personnel should take civil or criminal responsibility for malpractice or other violations of laws.

Article Sixteen

The establishment of an IPR company should meet the following basic conditions: a certain amount of capital (no less than CNY100,000); a fixed office space; good communication and office condition; two IPR consultants who have more than five-years’ working experience; a certain number of customers or potential customers; a service provider network. At the same time, the company should also possess professional competence: media relations resources; a full team for project planning and execution.

Article Seventeen

An IPR company should establish its own organizational structure based on business objectives. According to functions, the structure can be organized as: a marketing section, a customer service section, a creative design section, a media management section, an event management section, administrative section and other supporting sections. Or it can be arranged by sectors: an IT customer service section, a financial customer service section, a consumer goods customer service section, administrative section and other supporting departments. A customer service department also can be named a business development department. It also can be classified by regions: an international business department, a regional office, subordinate units, and affiliated units, etc..

Chapter Six: The Profession Development of IPR Practitioners

Article Eighteen

The occupational characteristics of IPR services require that IPR practitioners should possess a variety of professional skills, professional knowledge and professional experience. Common
qualities that are exhibited common trait among highly qualified professionals include strategic thinking, creativity, organizational climate perception, interpersonal skills and the ability to analyze and solve problems.

Article Nineteen

The operation of IPR generally involves seven major functional teams: a management team, a project management and customer service team, a strategy consultancy and creativity planning team, a media relations and execution team, a creative design and art production team, a technical research and application team, and a administrative support team.

Article Twenty

Generally speaking, IPR professionals consist of following professional scales: junior positions (customer assistants, customer executives, senior customer executives); intermediate positions (customer managers, senior customer managers); senior positions (assistant chief customer officers, chief customer officers, senior chief customer officers, vice presidents, senior vice presidents). Most professionals need eight to 10 years to be promoted from junior positions to senior positions. In addition to professional skills and professional qualities, the accumulation of social knowledge and working experience is vitally important.

Article Twenty-One

IPR companies should establish training programs for professionals at various levels. The training should include: Internet communication methods, Internet interactivity strategy, theories of public relations, survey and research methods, project proposal writing, proposals and biddings, event planning and management, Internet media analysis and research, Internet media relations planning, marketing communication, brand management, crisis management, case studies and analyses, project management, customer management, effect assessment, strategy consultancy, etc. Training time should be necessarily guaranteed. Recommendations: 100 training hours per year should be guaranteed for junior professionals; 60 training hours per year should be guaranteed for intermediate professionals; 30 training hours per year should be guaranteed for senior professionals.

Chapter Seven: Professional Ethics For IPR Practitioners

Article Twenty-Two

IPR businesses should consciously follow the industry self-disciplinary conventions and firmly resist all kinds of acts that are contrary to the code of ethics of the industry. Specifically, IPR
businesses should review and make sure that the publicized content from customers are lawful, ensuring that information content and communicating methods comply with relevant laws of the country. They should ensure the completeness, authenticity and accuracy of the information content and provide no content which is at clear variance with actual situation or objective facts. Topics of political sensitivity or issues under the national sensitive surveillance should not be involved. Concealing truth or deceiving public is forbidden. Companies also have the responsibility to take immediate remedial action for misinformation disseminated. They should not disseminate any information that is untrue, exaggerated or unconfirmed. Any communication activities that are immoral, dishonest, detrimental to others’ dignity or credibility must be avoided. Any communication activities that deceive customers and the public should be resisted. Any form of information services that attack or defame competitors should not be performed. The disseminative materials should not involve any pictures, videos or expressions that do not have legitimate copyright. Communication effect index or values should not be intervened technologically or artificially in an abnormal fashion.

**Article Twenty-Three**

IPR service specifications should be established and improved step by step, this includes: the establishment and improvement of commercial activities of IPR; the unification and standardization of IPR business service specifications (the standardization of product system and service elements, the unification of service tariff and pricing system, the unification of assessment standard of execution effect, and the standardization of work flow and stages); the formation of an open, convergent, orderly ecosystem of social media marketing (to ensure good user experience, establish a harmonious Internet environment, and build up an effective communicative bridge between entrepreneurs and users, which enables information to be delivered to target audience in a fast and accurate fashion.).

**Chapter Eight: Supplementary Articles**

**Article Twenty-Four**

The “IPR business” stated in this Specifications refers specifically to the online PR services within an Internet media environment; other conventional methods and business in the field of Internet marketing or digital marketing such as Internet advertising, e-commerce, wireless service, Internet sharing options are not included.
Article Twenty-Five

The PR Company Working Committee of the China International Public Relations Association is a coordinative organization in the industry; it has the obligation to protect the legitimate interests of companies and their staff in the industry. It also meditates and arbitrates between companies and companies, between companies and customers and between companies and individuals when discrepancy and conflict arise.

Article Twenty-Six

This Specifications shall become effective from the date of publication. The right of final interpretation belongs to the PR Company Working Committee of the China International Public Relations Association.

APPENDIX 2: DECISION OF THE STANDING COMMITTEE OF THE NATIONAL PEOPLE’S CONGRESS ON STRENGTHENING INFORMATION PROTECTION ON NETWORKS

Date issued: 12-28-2012
Effective date: 12-28-2012
Issuing authority: Standing Committee of the National People’s Congress
Area of law: Public Security

Decision of the Standing Committee of the National People’s Congress on Strengthening Information Protection on Networks
(Adopted at the 30th Session of the Standing Committee of the Eleventh National People’s Congress on December 28, 2012)

To protect the information security on networks, maintain the lawful rights and interests of citizens, legal persons and other organizations, and safeguard the national security and public interest, this Decision is made as follows:

I. The state protects electronic information by which individual citizens can be identified and which involves the individual privacy of citizens. All organizations and individuals may not obtain electronic personal information of citizens by theft or any other illegal means and may not sell or illegally provide others with electronic personal information of citizens.

II. Network service providers and other enterprises and institutions shall, when gathering and using electronic personal information of citizens in business activities, adhere to the principles of legality, rationality and necessarily, explicitly state the purposes, manners and scopes of collecting and using information, and obtain the consent of those from whom
information is collected, and shall not collect and use information in violation of laws and regulations and the agreement between both sides. Network service providers and other enterprises and institutions shall, when gathering and using electronic personal information of citizens, publish their collection and use rules.

III. Network service providers and other enterprises and institutions and their personnel must strictly keep confidential and may not divulge, alter, damage, sell, or illegally provide others with the electronic personal information of citizens gathered in business activities.

IV. Network service providers and other enterprises and institutions shall take technical measures and other necessary measures to ensure information security and prevent electronic personal information of citizens gathered in their business activities from being divulged, damaged or lost. When any information divulgence, damage or loss occurs or may occur, remedial actions shall be taken immediately.

V. Network service providers shall strengthen management of information released by their users and, when discovering any information prohibited by laws and regulations from being released or transmitted, immediately stop the transmission of such information, take elimination and other handling measures, preserve relevant records, and report to the relevant competent authorities.

VI. Network service providers which provide the website access service for users, handle landline or mobile phone network access procedures for users or provide the information publishing service for users shall, when signing agreements with users or confirming the provision of services, require users to provide their true identity information.

VII. No organizations and individuals may, without the consent of or the request from the recipients of electronic information or with an explicit refusal from the recipients of electronic information, send commercial electronic information to their landline or mobile phones or personal e-mail boxes.

VIII. Citizens who discover any network information divulging their personal identities, disseminating their individual privacy or otherwise infringing upon their lawful rights and interests or who are annoyed by unwanted commercial electronic information shall have the right to require network service providers to delete relevant information or take other necessary prohibitive measures.

IX. All organizations and individuals shall have the right to report or allege any theft, obtainment by other illegal means, sale, or illegal provision to others of electronic personal information of citizens and other violations of law and crimes involving information on networks to the relevant competent authorities; the authorities receiving such reports or allegations shall handle them in a timely manner as legally required. The victims of infringement may file lawsuits in accordance with law.

X. The relevant competent authorities shall perform duties within the scope of their respective functions in accordance with law and take technical measures and other necessary measures
to prevent, stop, investigate and punish theft, obtainment by other illegal means, sale, or illegal provision to others of electronic personal information of citizens and other violations of law and crimes involving information on networks. When the relevant competent authorities perform duties in accordance with law, network service providers shall provide cooperation and technical support. State organs and their personnel shall keep confidential the electronic personal information of citizens known in their performance of duties and may not divulge, alter, damage, sell, or illegally provide others with such information.

XI. For violations of this Decision, punishment shall be imposed in accordance with law, such as warning, fine, confiscation of illegal income, license forfeiture or cancellation of recordation, closure of website, or prohibition of relevant liable persons from engaging in network services, which shall be recorded into the violators’ social credit files and disclosed to the public; if the public security administration is violated, public security administration punishment shall be imposed in accordance with law. Those suspected of a crime shall be punished in accordance with law. Those infringing upon the civil rights and interests of others shall assume civil liability in accordance with law.

XII. This Decision shall come into force on the date of issuance.

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database@chinalawinfo.com

APPENDIX 3: INTERPRETATION OF THE SUPREME PEOPLE’S COURT AND THE SUPREME PEOPLE’S PROCURATORATE ON CERTAIN ISSUES CONCERNING THE APPLICATION OF LAW IN HANDLING CRIMINAL CASES INVOLVING DEFAMATION AND OTHER ACTS COMMITTED THROUGH INFORMATION NETWORKS

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(Adopted at the 1589th Session of the Trial Committee of the Supreme People’s Court on September 5, 2013 and the 9th Session of the 12th Procuratorial Committee of the Supreme People’s Procuratorate on September 2, 2013)

With a view to protecting the lawful rights and interests of citizens, legal persons and other organizations and maintaining the order of the society, in accordance with the Criminal Law of the People’s Republic of China, the Decision of the Standing Committee of the National People’s
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Congress on Safeguarding the Security of Internet and other relevant provisions, certain issues concerning the application of law in handling the criminal cases involving, among other things, defamation, causing disturbances, blackmail, or illegal business operation committed through information networks are hereby interpreted as follows:

**Article 1** Any of the following circumstances shall be determined as “inventing stories to defame another person” prescribed in the Paragraph 1 of Article 246 of the Criminal Law:

1. Inventing stories harming the reputation of another person and spreading or organizing or instigating other persons to spread the same on information networks; and
2. Altering the original information about another person on information networks into the stories harming the person’s reputation and spreading or organizing or instigating other persons to spread the same on information networks;

Spreading on information networks the stories that are known to be invented to harm the reputation of another person shall be deemed as “inventing stories to defame another person” if the circumstances are grave.

**Article 2** Defaming another person through information networks which falls under any of the following circumstance shall be deemed as involving “serious circumstances” prescribed in the Paragraph 1 of Article 246 of the Criminal Law:

1. Where the number of the actual clicks or views of the same defamatory information reaches five thousand or more or its forwarding number reaches five hundred or more;
2. Where it has caused serious consequences, such as mental disorders, self-mutilation or suicide of any of the victim or their close relatives;
3. Where defaming another person is committed within two years after the person is imposed with administrative punishment due to defamation; and
4. Other situations where the circumstances are serious.

**Article 3** Defaming another person through information networks which falls under any of the following circumstance shall be deemed as “seriously harming the public order and the interests of the State” prescribed in the Paragraph 2 of Article 246 of the Criminal Law:

1. Where any mass incident is triggered thereby;
2. Where chaos in public order is triggered thereby;
3. Where ethnic or religious conflicts are triggered thereby;
4. Where several persons are defamed causing adverse social influence;
5. Where the State’s image is harmed seriously damaging the interests of the State;
6. Where adverse international influence is caused, and
7. Other circumstances wherein public order and the interests of the State are seriously harmed.
Article 4 For repeated defamation of another person through information networks within one year, the person shall be convicted and punished in accordance with the law if no punishment has yet been imposed and the his act constitutes a crime based on the accumulated number of the actual clicks, views or forwarding of the defamatory information.

Article 5 hurling insults to or threatening another person shall be determined as the crime of creating disturbances and shall be punished accordingly in accordance with Item (2) of Paragraph 1 of Article 293 of the Criminal Law if the circumstances are grave and harm is done to public order.

Spreading or organizing or instigating other persons to spread on information networks the false information that is fabricated or known to be fabricated, which has created disturbances and caused serious public disorder, shall be determined as the crime of creating disturbances and shall be punished accordingly in accordance with Item (4) of the Paragraph 1 of Article 293 of the Criminal Law.

Article 6 Threatening or coercing another person on grounds of publishing on, deleting from or otherwise disposing of the information on the networks, demanding public or private property, which is relatively large in amount or the repeated commission of the above act shall be determined as the crime of extortion and punished accordingly in accordance with Article 274 of the Criminal Law.

Article 7 Providing, in violation of the provisions of the State and for profit-making purposes, paid services through information networks in connection with, among other things, the deletion of information or publication of the information known to be false, thereby disturbing market order, shall be deemed as illegal business operation involving “serious circumstances” if it falls under any of the following circumstances and shall be determined as the crime of illegal business operation and punished accordingly in accordance with Item (4) of Article 225 of the Criminal Law:

(1) Where the illegal business operation amounts to RMB50,000 or more or the illegal income amounts to RMB20,000 or more in the case of an individual;
(2) Where the illegal business operation amounts to RMB150,000 or more or the illegal income amounts to RMB50,000 or more in the case of an entity.

Where the above act is committed with the amount up to more than five times the amount prescribed in the preceding paragraph, the act shall be determined as involving “extremely serious circumstances” as prescribed in Article 225 of the Criminal Law.

Article 8 Where fund, place, technical support or any other kind of help is provided for any other person who is known to make use of information networks to commit defamation, creating disturbances, blackmail, illegal business operation or any other crime, a joint crime shall be determined and punishment shall be imposed accordingly.
**Article 9** In the case of the crime of defamation, creating disturbances, blackmail or illegal business operation committed through information networks, if the act at the same time constitutes a crime such as the crime of harming the business credibility or commodity reputation prescribed in Article 221 of the Criminal Law, or the crime of instigating violent resistance against the implementation of law prescribed in Article 278 thereof, or the crime of creating or deliberately spreading false and terrorist information prescribed in Article 291a of the Criminal Law, conviction and punishment shall be determined according to the crime carrying a heavier punishment.

**Article 10** For the purposes of this Interpretation, the information networks shall include the computer network, broadcasting network, fixed communication network, mobile communication network and other information networks using computers, television sets, fixed telephones, mobile phones and other electronic devices as terminals, as well as the local area networks which are open to the public.

**ENDNOTES**

1. This document is originally in Chinese and available on the Internet. The English translation is produced by the authors of this book for the purpose of providing some background information in regard to IPR in China. It is not an official translation endorsed by CIPRA and therefore does not hold any right of interpretation for this document. For reference, see Baidu Baike: http://baike.baidu.com/link?url=9ZBliajV1OjhiEP4924JveVReeFAQwnknXAEoJLhSo_12nnwqVguVO13U15pS1RebcfcpAX50mmnVxMnKI61.

2. This translation is provided by Chinalawinfo Co., Ltd which permits the reprint of this text in this book given that it holds the copyright. The word “network” means “Internet” in the Chinese context.

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