

August 16, 2023

1. Cyber Security: CAC issues rules to protect Internet users from Cyberviolence Information

On July 7th, Cyberspace Administration of China (hereafter “CAC”) released a draft on governance of cyberviolence (“Draft”) for public opinions and comments.

The Draft defines “cyberviolence” as concentrated postings on individuals through Internet, including insults, abuse, rumors and defamation, invasion of privacy as well as moral abduction, degradation and discrimination, malicious speculation and other unlawful and undesirable information that seriously affects physical and mental health.

The Draft also proposes a protecting mechanism called “one-click” protection. This “one-click” protection allows victims suffering from cyberviolence to close strangers’ private messages and comments with one click. Meanwhile, Internet service provider shall remind victim users to activate the “one-click” protection otherwise they may face warning and/or fines.

The draft composes of 31 provisions in seven articles, including the governance methods on monitoring and early warning, protections mechanism, supervision and legal responsibility of cyber violence cases.

(http://www.moj.gov.cn/pub/sfbgw/lfyjzj/lflfyjzj/202307/t20230707_482196.html)

2. Cyber Security: “Self-media” regulated by CAC

On July 10th, CAC issued a notice with 13 articles to strengthen management of “self-media” (“Notice”).

“Self-media” is independently operated account run by individual posting self-produced content on social media platforms (ex. WeChat, Weibo).

The Notice highlights the control on identity of self-media, especially the qualification or certification of self-media producers in several industries (finance, education, healthcare, justice etc.).

The Notice also emphasized on the authenticity of the information published by self-media and requires self-media to label their resources.

The Notice requires the Internet services provider to label rumors timely and to frame the operation of self-media, like the creation of account.

(http://www.cac.gov.cn/2023-07/10/c_1690638496047430.htm)

3. Chinese First AI regulation has been issued on July 13th 2023

On July 13th, CAC and six other authorities have jointly released the Interim Measures for the Management of Generative Artificial Intelligence Services (the “Measures”), which will take effect from August 15, 2023.

The Measures state that the State adheres to the principle of balancing the development and security and combining innovation with governance under the rule of law for the generative artificial intelligence (AI) services.

The scope of Measures is limited to AI providing services on the territory of China for public, and the Measures will not be applicable if AI is used internally. In addition, the AI located out of China shall observe the rules of the Measures as long as the services are provided to Chinese public.

The Measures adopt effective measures to encourage the innovative development of generative AI and implement inclusive, prudent, and classified regulations for generative AI services based on their levels. Up to now, there’s no specific rules or criteria for classification of levels.

The Measures outline the general requirements for the provision and use of generative AI services and introduce specific measures to promote the development of generative AI technology. Requirements for activities such as training data processing and data labeling are also specified.

(http://www.cac.gov.cn/2023-07/13/c_1690898327029107.htm)

4. Infant Formula: Stricter Rules for Registration of Product Formulas of Infant Formula Milk Powder

On July 10th, State Administration for Market Regulation (hereafter “SAMR”) issued the revision on the Administrative Measures for the Registration of Product Formulas of Infant Formula Milk Powder (“Measures”).

This revision focuses on making registration more rigorous by specifying eight situations in which registration is prohibited (article 21 of Measures):

1. Falsification of application materials;
2. Insufficiently safe formula;
3. Lack of corresponding R&D capability, production or testing capacity to the formulation applied for registration;
4. The applicant did not submit corrective materials within the specified time limit, or submit corrective materials do not meet the requirements;
5. The applicant cannot confirm the date of on-site verification within the specified time limit, refused or did not cooperate with on-site verification, sampling and testing;
6. On-site verification report or test report concluded that the formulation does not meet the registration requirements;
7. The applied formulation of the same enterprise is not significantly different from its registered formulation for same age group;
8. Other cases do not meet the laws, regulations, rules, national food safety standards and other registration requirements.

Measures also hope to encourage research and development of new products, allowing the sharing of formulas between parent and subsidiaries companies and shortening the time of formula testing.

(https://www.gov.cn/lianbo/bumen/202307/content_6890930.htm)

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