



2024 AVIA Regulating for Growth – Pay TV Matrix for China¹

Questions	Pay TV	Foreshadowed changes?
<p>1. How regulated? <i>Details of regulator/s</i></p>	<ul style="list-style-type: none"> • China’s main state-run radio and television broadcasters, domestic and international, were merged into a single state media company called the “Voice of China”, which is a state entity under the leadership of the party’s Department of Publicity.² • The National Radio and Television Administration (NRTA) replaced the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT). • Various government-controlled regulatory agencies exercise overlapping authority, including the Ministry of Industry and Information Technology (MIIT) (telecommunications and broadcast satellite and internet infrastructure) and the NRTA (television and radio content and coaxial cable infrastructure). • Regulations for pay TV services were drafted from the perspective of regulating traditional cable TV service providers (TV Channel Operators). However, as technology has developed, these TV Channel Operators have begun to provide television services through the internet and this has created complexity because a TV Channel Operator providing television through the internet may be subject to both regulations for pay TV (as described in this matrix) and regulations for OCC TV (see our corresponding matrix). • Administrative review (by a higher-level administrative body) and judicial review of regulatory decisions technically available but rarely sought. 	<p>None.</p>
<p>2. Copyright protection?</p>	<ul style="list-style-type: none"> • China’s copyright law grants protection in respect of copyright works (including audiovisual works). 	<p>None.</p>

¹ For the purpose of the matrices, “China” or “PRC” shall mean the People’s Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, and Taiwan region.

² <https://www.nytimes.com/2018/03/21/world/asia/china-communist-party-xi-jinping.html>

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	<ul style="list-style-type: none"> • While the regulators have been tightening law enforcement, online content piracy is widespread and it is still possible to obtain unauthorised overseas content via illegal satellite dishes. • The National Copyright Administration of China (NCAC) first launched its so-called “Jianwang Campaign” against online copyright piracy in 2010. In February 2023, NCAC published 10 representative cases of enforcement under the campaign,³ including against the illegal dissemination of unauthorised audiovisual works. Then, in November 2023, NCAC declared further intensification of policing piracy on popular online platforms⁴, as reflected in a series of NCAC enforcement activities, including issuing copyright protection warnings for films, removing unauthorised links to film recordings, closing illegal websites and mobile applications, and banning accounts engaged in infringement activities.⁵ 	
3. Convergence and new technologies	<ul style="list-style-type: none"> • Licences for operating traditional cable TV or satellite TV networks are only available to state-owned enterprises approved by NRTA. • IPTV and mobile TV are regulated as OTT TV, but TV channels accessed through IPTVs or mobile TVs are subject to the rules applicable to pay TVs. 	None.
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> • Retransmission of foreign channels is generally prohibited. However, with prior regulatory approval from NRTA, foreign TV channels may be transmitted in hotels rated 3-stars or above or with level 2 or above (national standards) which accommodates foreigners, in designated office buildings or apartments where foreigners exclusively work or reside, and by 	None.

³ <https://www.ncac.gov.cn/chinacopyright/contents/12227/357301.shtml> (Chinese)

⁴ https://english.www.gov.cn/news/202311/09/content_WS654c3a5fc6d0868f4e8e1186.html

⁵ <https://www.ncac.gov.cn/chinacopyright/2024xcz/12809/359203.shtml> (Chinese)

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	<p>significant and sizeable entities engaged in education, scientific research, journalism, finance, economics, trade, Party and government bodies and other fields that have business demands. (Art. 4 of the 2021 Implementing Rules of the Administrative Measures on Satellite Television Broadcasting Ground Receiving Facilities and Art. 4 of the Administrative Measures on Television Programs Transmitted by Foreign Satellites Being Received by Satellite Ground Receiving Facilities)</p> <ul style="list-style-type: none"> • The importation of foreign content for domestic pay TV channels requires prior approval from NRTA, although political and current affairs news programmes are completely banned. • Uplinking and downlinking permission required for all channels and for foreign channels, transmission and dealings with NRTA must be undertaken through the only NRTA-designated agent, a wholly owned subsidiary of China International Television Corporation. Severe restrictions are imposed on foreign channels and to-date uplink/downlink is only permitted via the Apstar-6 satellite.⁶ 	
5. Licence fees and taxation	<ul style="list-style-type: none"> • No published industry-specific licence fees or taxation exist. 	None.
6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any price controls on eg. basic tier</i>	<ul style="list-style-type: none"> • Basic cable prices are determined by local bureaus of National Development and Reform Commission in consultation with NRTA. • Pricing of value-added cable services or digital TV services above the basic level can be solely determined by the TV platform operators. • No published wholesale rate regulation exists. 	None.
7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> • No published specific restrictions on tiering or bundling exist, however customers must be able to subscribe to basic cable packages only and not be forced to subscribe to additional channels or value-added services. 	None.

⁶ [Announcement on the China International Television Corporation](#) (Chinese)

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<p>8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i></p>	<ul style="list-style-type: none"> • Advertising rules require, among other things, integrity of the programme to be maintained and continual visibility of the channel's mark. • Minutage restrictions of 12 minutes per hour (or 18 minutes maximum during the two-hour peak viewing period of 7:00PM – 9:00PM.) • Advertisements are generally prohibited on domestic premium TV channels (i.e. channels requiring additional fees to watch) unless the channel specialises in screening advertisements or if the advertisements are promoting pay TV channels. • In-teleplay advertising (i.e. advertisements in the corner of the screen during a TV programme) is not allowed, except for titles and logos of sponsors, so ads should be broadcast before or after each episode of teleplays.⁷ • As a matter of law, advertising on foreign channels is expected to comply with Chinese advertising laws. In practice, advertising laws are not currently enforced against foreign channels on hotel platforms. 	<p>None.</p>
<p>9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i></p>	<ul style="list-style-type: none"> • TV channels must self-censor to ensure programmes comply with stringent censorship requirements. • All imported programmes also subject to censorship and approval of NRTA. • All films and teleplays are subject to NRTA approval before screening. • China-based censorship circumvention networks used to conduct cross-border business are prohibited. 	<ul style="list-style-type: none"> • A draft regulation issued in 2018 states that foreign content must not exceed 30% of daily programming on a domestic pay TV channel. Cannot retransmit the entirety of a foreign channel on pay TV (i.e. must be done on a program-by-program basis)⁸. There has been no further development as of the time of writing. • Another draft regulation in 2018 broadens the prohibition to the contents denying the socialism culture, defaming the Chinese

⁷ Administrative Measures for the Broadcasting of Radio and Television Advertisements, Article 19

⁸ Provisions on the Introduction and Distribution of Offshore Audio-Visual Programs (Draft for Public Comments) (Chinese), the official version of the full text of which is no longer publicly available.

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		culture, distorting national history and revolution culture, violating the religious policies, promoting discrimination and spreading individual privacy. ⁹ There has been no further development as of the time of writing.
9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i>	<ul style="list-style-type: none"> • In principle, TV channels should use standard Mandarin as the written or spoken language used in their content. • If another language needs to be used, it is subject to NRTA approval. • Ads should use Mandarin voiceover and simplified Chinese characters. • There is no published specific regulation on the approval procedures but in practice for an alternative-language channel, it is generally gained in the form of a blanket approval. As all TV stations in China are controlled by state-owned entities, whether it is possible to establish such a channel will be very much at the discretion of the government authorities and it is therefore unpredictable whether approval is likely to be granted. 	None.
10. <i>Programme supply restrictions Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i>	<ul style="list-style-type: none"> • No published restrictions exist. 	None.
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i>	<ul style="list-style-type: none"> • Although the 2019 Special Administrative Measures (Negative List) for Foreign Investment Access to the Market lifted the restrictions on foreign investment in traditional cable/satellite TV stations, the relevant media laws and regulations remain unchanged and valid. Article 7 of the 2022 Measures for the 	None.

⁹ [The Regulations on the Administration of Radio, Television and Internet Audio-visual Programme Production and Operation \(Draft for Public Comments\)](#) promulgated on 8 August 2022, Article 18 (Chinese)

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	<p>Administration of Radio and Television Program Transmission Operations reemphasises the prohibition on any foreign investment in operations transmitting radio and television programmes. As such, only state-owned enterprises can currently invest in and hold interests in these TV stations.</p>	
<p>12. Retransmission arrangements <i>Including must carry and remuneration</i></p>	<ul style="list-style-type: none"> Although not required under written law, in practice, state-owned provincial satellite channels must re-transmit the CCTV evening news. 	None.
<p>13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i></p>	<ul style="list-style-type: none"> Customers must be allowed to subscribe to just basic cable packages only. Service providers should disclose the service contents and charges of services, and sign contracts with customers. 	None.
<p>14. Entering a new market: FAST TV</p>	N/A	None.
<p>15. Data handling</p>	<ul style="list-style-type: none"> Service providers must expressly notify and obtain prior consent from individual customers if products or services collect personal information (including name, address and ID document number), clearly stating the name and contact of data collector, purpose, means, kind and storage period of their data collection and the means and procedure of exercising rights to their users at the time of collection.¹⁰ Generally, service providers are required to protect the rights and personal information of their users, to maintain personal data securely and to take remedial measures immediately in the event that the digital personal data has been or is likely to be divulged, damaged or lost. Under the PRC Cybersecurity Law, network operators are required to establish a user information protection system, including internal security management systems and operating procedures and adopt measures to prevent the leak, destruction or loss of collected personal data. 	<ul style="list-style-type: none"> None.

¹⁰ The Personal Information Protection Law, Article 17

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	<ul style="list-style-type: none"> No data/privacy requirements have been specifically released to further regulate data handling in the video/media industry. However, operators should comply with general PRC data protection laws such as the PRC Personal Information Protection Law and the PRC Data Security Law, where they have domestic operations or are caught by the extraterritorial application of the data management regime, including in respect of cross-border data transfers. 	
Other country-specific information not already covered	N/A	N/A