

COUNTRY: CHINA

SCORE: 51.48 | RANK: 19/24

China has a strong interest in ICT innovation and development. However, these goals are hindered by poor enforcement of intellectual property rights and the continued promotion of indigenous innovation policies that discriminate against foreign technology companies.

China has signed the UN Convention on Electronic Contracting and has applied to accede to the WTO Agreement on Government Procurement. China has also enacted strong cybercrime laws and greatly improved intellectual property laws, and while enforcement deficiencies remain significant they are also gradually improving.




In 2012, China introduced the first elements of a national level privacy regulation. This Guideline is new and has not yet been fully implemented, but it may help improve

trust and confidence in cloud computing and the digital economy in China.

The extensive regulation of Internet content, including mandatory Internet filtering and censorship, remains a key issue in China. A foreign company also has to enter into a joint venture with a Chinese domestic partner to be eligible to apply for an Internet Content Provider license in order to provide cloud services in China.

China has made significant progress with respect to broadband coverage and in June 2012 adopted an ambitious national broadband plan to meet the predicted 800 million internet users there will be in China in 2015.

Overall China's results improved between the 2012 report and the 2013 report, thanks to improvements in privacy regulation and continued progress in ICT infrastructure.

Q CHINA	RESPONSE	EXPLANATORY TEXT
DATA PRIVACY		
1. Are there laws or regulations governing the collection, use, or other processing of personal information?		Some limited 'freedom and privacy of correspondence' exists in the Chinese constitution as a fundamental right, but there is no consolidated national data protection legislation at this stage. Currently, some provisions in relation to the protection of personal information are dispersed in the Criminal Law (Article 7 of the 7th Amendment), Social Insurance Law (Article 92), and Tort Liability Law (Article 2). In December 2012, the Standing Committee of the National People's Congress published a Resolution called 'Strengthening the Protection of Information on the Internet'. The Regulation applies to the collection and processing of electronic personal information via the Internet and introduces some basic privacy and security principles. This Regulation does not have the same force as a Basic Law in China and it is difficult to predict how it will be implemented at this early stage, but it is a positive development. Work is continuing on the development of a more comprehensive national law, and in February 2013 the Ministry of Industry and Information Technology (MIIT) <www.miit.gov.cn> released data privacy guidelines for public and commercial information systems.
2. What is the scope and coverage of privacy law?	Sectoral	There is no comprehensive privacy law. The December 2012 Resolution on 'Strengthening the Protection of Information on the Internet' targets ISPs and organisations that process information online.
3. Is the privacy law compatible with the Privacy Principles in the EU Data Protection Directive?		To date, China's draft law has been closely aligned with the EU Data Protection Directive. The development of Data Protection Laws is being driven and supported by the EU-China Information Society Project (EUCISP).
4. Is the privacy law compatible with the Privacy Principles in the APEC Privacy Framework?		China is likely to consider the APEC Privacy framework in the development of its future privacy legislation.

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5. Is an independent private right of action available for breaches of data privacy?	Available	A constitutional right to privacy is theoretically available. However, it is not used in practice. Plaintiffs may also have a limited right of action based on specific sections of the Criminal Law, Tort Liability Law, and Social Insurance Law. The December 2012 Resolution on 'Strengthening the Protection of Information on the Internet' also introduces a private right of action, although there are few details of how this will work in practice at this stage.
6. Is there an effective agency (or regulator) tasked with the enforcement of privacy laws?	None	A regulator is not in place at this time.
7. What is the nature of the privacy regulator?	Not Applicable	
8. Are data controllers free from registration requirements?	✓	There are no registration requirements in Chinese law.
9. Are cross-border transfers free from registration requirements?	✓	There are no registration requirements in Chinese law.
10. Is there a breach notification law?	✗	There is no data breach notification law in China at this stage.
SECURITY		
1. Is there a law or regulation that gives electronic signatures clear legal weight?	✓	The Electronic Signature Law 2005 gives electronic signatures the same legal standing as handwritten signatures and seals. The Electronic Signature Law supplements Article 11 of the Contract Law of the People's Republic of China, which provides that contracts made via email or electronic data interchange are considered to be 'in writing'.
2. Are ISPs and content service providers free from mandatory filtering or censoring?	✗	China has a large and complex legal and technical regime in place to restrict access to certain online content. ISPs are inevitably caught up in some of these restrictions. A wide variety of content is regulated or prohibited in some form. Citizens are prohibited from disseminating certain categories of content. These prohibitions appear consistently in a number of regulations and this includes: <ul style="list-style-type: none"> • endangering national security, • conducting activities in the name of an illegal civil organization, or • inciting illegal assemblies or gatherings that disturb social order. Penalties include fines, content removal, and criminal liability. Organizations transmitting content electronically about current politics, economic issues and other public affairs must abide by the 2005 Provisions on the Administration of Internet News Information Services (Internet News regulations). Content hosts and owners of user-generated content sites are held to be directly responsible for what is published on their service in China. Service providers must monitor all content on their Web sites and report violations.
3. Are there laws or enforceable codes containing general security requirements for digital data hosting and cloud service providers?	Limited coverage in Legislation	There are no specific security laws relating to data hosting infrastructure, although this issue may be addressed in China's proposed data protection law in the future. The December 2012 Resolution on 'Strengthening the Protection of Information on the Internet' includes some very basic security requirements for ISPs and organisations processing personal information online. These requirements are likely to cover cloud service providers.
4. Are there laws or enforceable codes containing specific security audit requirements for digital data hosting and cloud service providers?	None	There are no relevant security audit requirements in Chinese law.
5. Are there security laws and regulations requiring specific certifications for technology products?	Limited requirements	Certification requirements are rarely enforced, although the MLPS could potentially be required for any IT product at any level of government. China is not a member of the Common Criteria Recognition Agreement (CCRA) < www.commoncriteriaportal.org >. However, the Common Criteria have been translated into Chinese and some voluntary assessment does occur. Around 8% of IT products in China in 2008 were believed to have been assessed against Common Criteria. China initiated a study of the Common Criteria Recognition Agreement (CCRA) in 2009, but this has not yet been concluded.

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CYBERCRIME		
1. Are cybercrime laws in place?	✓	<p>Three national regulations prohibit the unauthorized entry into computer systems:</p> <ul style="list-style-type: none"> (a) the Measures for the Administration of Protecting the Security of International Connections to Computer Information Networks (Computer Measures); (b) the Criminal Law; and (c) the Decision of the Standing Committee of the National People's Congress on the Protection of Internet Security (Decision on Internet Security). <p>A good example is Article 6(1) of the Computer Measures, which prohibits the intrusion into, or use of, a computer information network without authorization.</p> <p>Article 285 of the Criminal Law imposes criminal liability for the unauthorized entry into computer systems in more limited circumstances — for example where the system in question concern state affairs, national defense construction or sophisticated science and technology.</p> <p>There are also some relevant criminal provisions in the Telecom Regulations. Article 58(2) prohibits the theft or destruction of another person's information through a telecommunications network.</p>
2. Are cybercrime laws consistent with the Budapest Convention on Cybercrime?	✗	The cybercrime provisions in Chinese law are limited and do not cover all systems. They would need to be expanded in order to mirror the offences in the Convention on Cybercrime.
3. What access do law enforcement authorities have to encrypted data held or transmitted by data hosting providers, carriers, or other service providers?	Not stated	There are no specific laws on law enforcement access to encrypted data.
4. How does the law deal with extraterritorial offenses?	Limited coverage	<p>The Criminal Law contains some provisions dealing with extraterritorial offences as follows:</p> <ul style="list-style-type: none"> (a) According to Article 7, the Criminal Law applies to any Chinese citizen who commits a crime under the Criminal Law outside China. However, if the punishment under the Criminal Law is a maximum fixed term imprisonment of less than three years, then the Chinese citizen may be exempted from investigation. (b) Under Article 8, the Criminal Law applies to any foreigner if: <ul style="list-style-type: none"> (i) he commits a crime under the Criminal Law outside China against China or a Chinese citizen; and (ii) the minimum punishment under the Criminal Law is fixed term imprisonment of not less than three years; and (iii) the crime is punishable under the laws of the place where it is committed. (c) According to Article 10, a person who commits a crime outside China, for which he should bear criminal responsibility under the Criminal Law, may still be investigated for his criminal responsibility under the Criminal Law even if he has already been tried in a foreign country. If he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment. <p>It should be noted that these provisions may be difficult to enforce.</p>
INTELLECTUAL PROPERTY RIGHTS		
1. Is the country a member of the TRIPS Agreement?	✓	China became a member of the TRIPS Agreement in 2001.
2. Have IP laws been enacted to implement TRIPS?	●	China has implemented some provisions in the TRIPS Agreement, although there are still gaps in implementation and enforcement. The following sections provide further detail.
3. Is the country party to the WIPO Copyright Treaty?	✓	<p>The WIPO Copyright Treaty entered into force in China in 2007.</p> <p>The WIPO Copyright Treaty applied to Hong Kong from 2008. The WIPO Copyright Treaty does not apply to Macao.</p>
4. Have laws implementing the WIPO Copyright Treaty been enacted?	●	China has implemented laws enacting the key provisions of the WIPO Copyright Treaty, although there have been some problems with enforcement.

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5. Are civil sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	✓	<p>The Copyright Law states 'copyright' shall include the following personality rights and property rights:</p> <p>Article 10(12) the right of communication of information on networks, that is, the right to make a work available to the public, by wire or wireless means in such a way that members of the public may access these works from a place and at a time individually chosen by them;</p> <p>More directly, Article 47(1) of the Copyright Law prohibits:</p> <p>Reproducing, distributing, performing, projecting, broadcasting or compiling a work, or disseminating the work to the public via information network without the copyright owner's authorization, except as otherwise specified in this Law.</p> <p>In 2012, the Chinese Supreme Court issued draft Internet Copyright Infringement Regulations 2012 — which are more of a guideline (than regulations) for interpretation of the law relating to Internet Copyright. The draft guidelines are still the subject of public consultation, but they do appear to clarify many aspects of the Law. Refer to: <english.mofcom.gov.cn/article/counselorsreport/asiareport/201204/20120408084805.shtml></p>
6. Are criminal sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	✓	Article 47 of the Copyright Law imposes both civil and criminal penalties for relevant copyright breaches.
7. Are there laws governing ISP liability for content that infringes copyright?	✓	Liability for ISPs is covered by the 2009 Tort Liability Law of People's Republic of China.
8. Is there a basis for ISPs to be held liable for content that infringes copyright found on their sites or systems?	✓	<p>Internet Service Providers may be held liable under Article 36 of the Tort Liability Law:</p> <p>Article 36: Internet users and Internet Service Providers shall bear tortious liability in the event they infringe other people's civil rights and interests through the Internet.</p> <p>Where an Internet user engages in tortious conduct through Internet services, the injured party shall have the right to inform the Internet Service Provider that it should take necessary action such as by deleting content, screening, breaking links, etc. Where an Internet Service Provider fails to take necessary action after being informed, it shall be jointly and severally liable with the Internet user with regard to the additional injury or damage suffered.</p> <p>Where an Internet Service Provider knows an Internet user is infringing other people's civil rights and interests through its Internet service but fails to take necessary action, it shall be jointly and severally liable with the Internet user.</p>
9. What sanctions are available for ISP liability for copyright infringing content found on their site or system?	Civil and Criminal	<p>Generally, ISP liability is civil, not criminal.</p> <p>However, Article 16 of the Administrative Measures for Protecting Copyrights on the Internet (May 2005) may be relevant in exceptional circumstances:</p> <p>Article 16: When Internet Information Service Providers are found to have committed crimes during the investigations of activities infringing on the right to communicate on the Internet in Internet information services, the copyright administrations may transfer the case to the judiciary for distribution of criminal penalties.</p>
10. Must ISPs take down content that infringes copyright, upon notification by the right holder?	✓	<p>Article 36 of the Tort Liability Law confirms the 'notice and removal' approach that has been taken by the Chinese courts for some years.</p> <p>Some further details are set out in the Interpretation Relating to Application of Law to Trial of Cases of Dispute over Copyright on Networks 2006, although this interpretation is largely superseded by the Tort liability Law.</p> <p>Refer to <www.fdi.gov.cn/pub/FDI_EN/Laws/law_en_info.jsp?docid=86925>.</p>
11. Are ISPs required to inform subscribers upon receiving a notification that the subscriber is using the ISP's service to distribute content that infringes copyright?	✗	The Interpretation Relating to Application of Law to Trial of Cases of Dispute over Copyright on Networks 2006 does not require ISPs to inform subscribers, although in practice this may occur.
12. Is there clear legal protection against misappropriation of cloud computing services, including effective enforcement?	Comprehensive protection	Although there are no specific protections for misappropriation of cloud services, Article 47 of the Copyright Law may provide sufficient IP protection for most cloud services. China's cybercrime laws also provide a useful layer of protection for cloud services. There are, however, significant challenges in the enforcement of these laws.

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SUPPORT FOR INDUSTRY-LED STANDARDS & INTERNATIONAL HARMONIZATION OF RULES		
1. Are there laws, regulations or policies that establish a standards-setting framework for interoperability and portability of data?	✓	<p>The Standardization Administration of the Peoples Republic of China <www.sac.gov.cn/sac_en> is the key regulator for standards setting in China. It administers the Standardization Law of the Peoples Republic of China.</p> <p>The broad framework established in the Law promotes both national and international standardization. Many of their activities are in the ICT and data fields.</p> <p>However, in some key areas (including wireless communications) China has attempted to impose unique national standards on domestic industry (with mixed results).</p>
2. Is there a regulatory body responsible for standards development for the country?	✓	<p>The Standardization Administration of the Peoples Republic of China <www.sac.gov.cn/sac_en> has a national regulatory and coordination role. However, trade standards are regulated by the relevant trade sector regulator, and some standards are also regulated at the local government level. These bodies report to the Standardization Administration.</p>
3. Are e-commerce laws in place?	✓	<p>E-commerce laws are provided through a combination of the Electronic Signature Law 2005 and the Interim Measures for the Trading of Commodities and Services through the Internet 2010.</p>
4. What international instruments are the e-commerce laws based on?	UN Convention on E-Contracting	<p>China is a signatory to the UN Convention on Electronic Contracting. The Convention comes into force in March 2013.</p>
5. Is the downloading of applications or digital data from foreign cloud service providers free from tariff or other trade barriers?	ⓘ	<p>There are restrictions on the import of technology from foreign sources, but they are not specifically directed at downloading of software.</p> <p>Generally speaking, if a download of software is free of charge, there will be few difficulties for a Chinese end-user to download the software. Of course, there may be some technical difficulties if the software is provided by one of the foreign sites blocked by the Chinese government.</p> <p>If the Chinese end-user must pay for the download of software, there are barriers relating to: (i) the import of the software by domestic entities without foreign trade rights; (ii) tax liability of the foreign company; and (iii) remittance of payment to the foreign entity. In order to remit foreign exchange to a foreign company for a software license, the Chinese entity must provide a copy of the license contract, a registration certificate for the import of technology issued by the local foreign trade authorities and evidence of payment of withholding tax, as well as other documents. If the Chinese entity does not have foreign trade rights, it must purchase the software through a foreign trade agent.</p> <p>Import of technology</p> <p>The following legislation governs the import of technology, including the purchase or license of software:</p> <ul style="list-style-type: none"> (a) Regulations on the Administration of the Import and Export of Technology; (b) Administrative Measures on the Registration of Contracts for the Import and Export of Technology; (c) Notice on Issuance of Operating Procedures for the Administration of Foreign Exchange of Sale and Payment in Non-trading Activities and Foreign Exchange Income and Expenditure of Domestic Individual Residents (the SAFE Procedures Notice); (d) MOFCOM's Supplementary Notice on Strengthening the Administration of the Technology Import Contract and Foreign Exchange Sale and Payment (the MOFCOM Supplementary Notice). <p>This legislation applies to the acquisition of technology, including the acquisition of technical services and software, by any entity within China from any entity outside China.</p> <p>For technology imports that fall into the 'restricted' category, the contract is not legally effective until it receives government approval.</p> <p style="text-align: right;"><i>(continued on next page)</i></p>

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<p>5. Is the downloading of applications or digital data from foreign cloud service providers free from tariff or other trade barriers?</p> <p>(continued)</p>	●	<p>(continued from previous page)</p> <p>For technology imports that fall into the 'free' category (this includes most software), no government approval is required and the contract becomes legally effective upon signing. In addition, the contract should be registered in accordance with Article 5 of the Administrative Measures for the Registration of Contracts for the Import and Export of Technology, which provides for the following registration procedure:</p> <p>(a) after a technology import contract comes into effect, the technology importer must register the technology import contract online with the China International Electronic Commerce Network (CIECN) at www.ec.com.cn and Ministry of Commerce (MOFCOM). The application form on the website may only be accessed after payment of the registration fees; and</p> <p>(b) the contract must be registered in person at the local branch of the Ministry of Commerce (MOFCOM) by submitting: (i) the completed application for the registration; (ii) a duplicate of the contract; and (iii) documents showing the legal status of both parties to the contract. After registration, a Technology Import Registration Certificate will be issued.</p> <p>A technology import contract is legally effective even if it is not registered with CIECN and MOFCOM. However, registration with CIECN and MOFCOM is critical to the process of purchasing and remitting foreign exchange payments to a foreign supplier. In this regard, the SAFE Procedures Notice requires that a Technology Import Contract Data Form must be submitted to the bank handling the foreign exchange remittance as documentary evidence. According to the MOFCOM Supplementary Notice, the Technology Import Contract Data Form must be completed by the applicant (e.g. software licensee) and the seal of the relevant MOFCOM branch must be affixed to the form. If the Technology Import Contract Data Form is not completed properly, a local purchaser may encounter difficulties in processing foreign exchange payments.</p> <p>During the technology import contract registration process, additional approvals may be required.</p> <p>The foreign software company will be liable for withholding tax on royalties, assuming that it does not have a permanent establishment in China. The Chinese importer must act as the withholding agent. China has promulgated legislation changing the withholding tax rate to 10% on the gross amount of royalties. This rate may be further reduced by treaty.</p>
6. Are international standards favored over domestic standards?	●	China has committed to a 'target' of 70% of standards being compliant with international standards by 2014.
7. Does the government participate in international standards-setting process?	✓	China participates in relevant ISO and IEC standard setting processes.
PROMOTING FREE TRADE		
1. Are any laws or policies in place that implement technology neutrality in government?	✗	The Chinese Government Procurement Act 2003 does not contain a specific commitment to technology neutrality. Further, an Opinion under the Act (Opinion 2009/35) stipulates that the procurement of imported 'high tech or innovative equipment' will only be possible if no such products are available in China.
2. Are cloud computing services able to operate free from laws or policies that mandate the use of certain products (including, but not limited to, types of software), services, standards, or technologies?	●	While China does not stipulate any specific standard, some regulations do require local technologies to be considered in preference to international technologies.
3. Are cloud computing services able to operate free from laws or policies that establish preferences for certain products (including, but not limited to, types of software), services, standards, or technologies?	●	While China does not stipulate any specific standard, some regulations do require local technologies to be considered in preference to international technologies.

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4. Are cloud computing services able to operate free from laws that discriminate based on the nationality of the vendor, developer, or service provider?	●	<p>China is an observer, but not a full member, of the WTO plurilateral Agreement on Government Procurement. However, in 2012 China began negotiating accession to full membership.</p> <p>Under Article 10 of the Law on Government Procurement (2003) goods may only be purchased from foreigners under exceptional circumstances — although, in practice, procurement from foreign suppliers appears to occur routinely for some products. The law does not cover purchasing by state-owned enterprises.</p>
ICT READINESS, BROADBAND DEPLOYMENT		
1. Is there a national broadband plan?	<ul style="list-style-type: none"> • From 2013, all new houses to have fiber internet connections • By 2015, more than 40 million families connected to fiber • By 2016 <ul style="list-style-type: none"> – 270 million fixed broadband subscribers – 450 million 3G broadband subscribers – Urban internet access speed: 20 Mbps – Rural internet access speed: at least 4 Mbps 	<p>China has made significant progress with respect to broadband coverage and in June 2012 adopted an ambitious national broadband plan to meet the predicted 800 million Internet users there will be in China in 2015.</p> <p>In June 2010, the Information Office of the State Council (China's cabinet), published a white paper on the Internet in China. In this it stated the following goal: the Chinese government is determined to further promote Internet development and application, and raise its accessibility to 45% of the population in the coming five years, so that more people can benefit from the Internet. www.chinadaily.com.cn/china/2010-06/08/content_9950198.htm</p> <p>In July 2012 China unveiled a national development plan for strategic emerging industries, as part of its 12th Five-Year Plan (2011-15) — this includes the 'Broadband China' strategy, which aims to widen the coverage of broadband, improve Internet penetration rates, promote FttH, significantly increase speed and to bridge the gap between urban and rural areas.</p> <p>Broadband China sets a number of goals for the end of 2015:</p> <ul style="list-style-type: none"> • Fixed broadband subscribers to exceed 270 million <ul style="list-style-type: none"> – Broadband penetration rates: <ul style="list-style-type: none"> – Urban: 65% – Rural: 35% • Internet access speeds: <ul style="list-style-type: none"> – Urban: 20 Mbps – Rural: at least 4 Mbps • Mobile (3G) broadband subscribers to exceed 450 million <p>From April 2013, the Chinese Ministry of Industry and Information Technology (MIIT) has mandated that all newly-built residences are to have fiber network connections if they're in counties and cities where a public fibre optic network is available — with a target of have 40 million families connected to fibre by 2015.</p>
2. Are there laws or policies that regulate the establishment of different service levels for data transmission based on the nature of data transmitted?	No Regulation and limited public debate	There are no specific laws regarding net neutrality and debate on this issue, to date, has been limited. The focus in China has been on legal requirements to block access to certain content, rather than any discussion of establishing different service levels or prices.
3. Base Indicators		
3.1. Population (2011)	1,347,565,324	In 2011, the population of China increased by 0.4%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >]
3.2. Urban Population (%) (2011)	51%	[United Nations, Department of Economic and Social Affairs, Population Division (2012). World Urbanization Prospects: The 2011 Revision, < esa.un.org/unup/CD-ROM/Urban-Rural-Population.htm >]
3.3. Number of Households (2011)	384,137,000	In 2011, the number of households in China increased by 2.5%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >]
3.4. Population Density (people per square km) (2010)	143	[World Bank, Data Catalog, Indicators, Population Density (2012) < data.worldbank.org/indicator/EN.POP.DNST >]
3.5. Per Capita GDP (US\$ 2011)	\$5,445	In 2011, the Per Capita GDP for China increased by 9.3% to USD \$5,445. [World Bank, Data Catalog, Indicators: GDP per capita, current USD (2012) < data.worldbank.org/indicator/NY.GDP.PCAP.CD > and GDP growth, annual % (2012) < data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG >]

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3.6. Public Cloud Services Market Value (2011) (Billions of US\$)	2.71	Gartner has calculated the value of the public cloud services market in China in 2011 to be USD \$2.71 billion. This is a 74% increase from 2010 and ranks China 7 (out of 20 countries) in the forecast. Gartner has projected the 5-year compound annual growth rate (CAGR) to 2016 to be 31% and this ranks China 3 (out of 20 countries) for growth in the value of the market for public cloud services to 2016. [Gartner, Forecast Overview: Public Cloud Services, Worldwide, 2011-2016 (August 2012 Update) < www.gartner.com/id=2126916 >]
3.7. Personal Computers (% of households) (2011)	38%	In 2011, 38% of households in China had personal computers. This is a 7.4% increase since 2010 and ranks China 82 out of 182 countries surveyed. The growth from 2010 is above the 5-year compound annual growth rate (CAGR) from 2006-2011 of 7.1%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx >] Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may update this indicator for prior years.
4. ICT and Network Readiness Indicators		
4.1. ITU ICT Development Index (IDI) (2011) (Score is out of 10)	3.88	China's ITU ICT Development Index (IDI) for 2011 is 3.88 (out of 10), resulting in a rank of 78 (out of 161 economies). The 2011 IDI for China has increased by 10.9% and the IDI ranking has improved by 1 from a rank of 79 since 2010. [International Telecommunication Union (ITU), Measuring the Information Society (2012) < www.itu.int/ITU-D/ict/publications/idi/2012 >] Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.
4.2. World Economic Forum Networked Readiness Index (NRI) (2012) (Score is out of 7)	4.90	China has a Networked Readiness Index (NRI) score of 4.9 (out of 7), resulting in a rank of 26 (out of 142 economies) and a rank of 2 (out of 39) in the upper-middle income grouping of economies. The 2012 NRI for China has increased by 12.6% and improved from a rank of 36 since 2011. [World Economic Forum, The Global Information Technology Report (2012) < www.networkedreadiness.com/gitr >]
4.3. International Connectivity Score (2011) (Score is out of 10)	2.72	China has a Connectivity Score of 2.72 (out of 10), resulting in a rank of 14 (out of 25) in the Resource-driven grouping of countries/economies. [Nokia Siemens, Connectivity Scorecard (2011) < www.connectivityscorecard.org >]
4.4. IT Industry Competitiveness Index (2011) (Score is out of 100)	39.80	China has an IT Industry Competitiveness Index Score of 39.8 (out of 100), resulting in a rank of 38 (out of 66 countries/economies included in the index). The 2011 index score is a 2.6% increase on the 2009 score. China has moved up the ranking by 1 place since 2009. [Business Software Alliance (BSA) / Economist Intelligence Unit (EIU), IT Industry Competitiveness Index (2011) < globalindex11.bsa.org >]
5. Internet Users and International Bandwidth		
5.1. Internet Users (2011)	516,117,519	[calculated from 8.3.1. and 8.5.2.]
5.2. Internet Users as % of Population (2011)	38%	In 2011, 38% of the population in China used the Internet, resulting in a ranking of 96 out of 199 countries surveyed. This is a 11.7% increase since 2010. The growth from 2010 is below the 5-year compound annual growth rate (CAGR) from 2006-2011 of 29.5%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (December 2012) < www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx >] Note: There may be some variations as to how countries calculate this. Some countries base this upon all or part of the population — such as between 16 and 72 years of age. Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.
5.3. International Internet Bandwidth (bits per second per Internet user) (2011)	2,692	China's International Internet Bandwidth (per Internet user) has increased by 13% since 2010. [International Telecommunication Union (ITU), Measuring the Information Society (2012) < www.itu.int/ITU-D/ict/publications/idi/2012 >]
5.4. International Internet Bandwidth (2011) (total gigabits per second [Gbps] per country)	1,389	China has increased its International Internet Bandwidth by 26% since 2010 to 1,389 Gbps and is ranked 14 out of 188 countries surveyed. The growth from 2010 is below the 5-year compound annual growth rate (CAGR) from 2006-2011 of 40.2%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >]

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6. Fixed Broadband		
6.1. Fixed Broadband Subscriptions (2011)	156,487,000	China has increased the number of fixed broadband subscribers by 24% since 2010 to, 156,487,000, and is ranked 1 out of 182 countries surveyed. The growth from 2010 is below the 5-year compound annual growth rate (CAGR) from 2006-2011 of 25.2%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >] Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.
6.2. Fixed Broadband Subscriptions as % of Households (2011)	41%	[calculated from 8.3.3. and 8.6.1.] Note: this may be skewed by business usage in some countries (refer to OECD comments about this)
6.3. Fixed Broadband Subscriptions as % of Population (2011)	12%	China has increased its fixed broadband subscriptions (as a % of the population) by 23% since 2010, which is below the 5-year compound annual growth rate (CAGR) from 2006-2011 of 24.6%. This ranks China 1 out of 187 countries surveyed. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (July 2011) < www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx >]
6.4. Fixed Broadband Subscriptions as % of Internet Users (2011)	30%	[calculated from 8.5.1 and 8.6.1]
7. Mobile Broadband		
7.1. Mobile Cellular Subscriptions (2011)	986,253,000	In 2011, China increased the number of mobile cellular subscriptions by 14.8% and is ranked 1 out of 195 countries surveyed. The number of subscriptions account for 73% of the population. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >] Note: This figure may be inflated due to multiple subscriptions per head of population, but excludes dedicated mobile broadband devices (such as 3G data cards, tablets, etc)
7.2. Active Mobile Broadband Subscriptions per 100 inhabitants (2011)	9%	China has increased the number of Active Mobile-Broadband Subscriptions (as a % of the population) by 170% since 2010. This ranks China 84 out of 144 countries surveyed. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >] Note: This refers to the sum of standard mobile-broadband and dedicated mobile-broadband subscriptions to the public Internet. It covers actual subscribers, not potential subscribers, even though the latter may have broadband enabled-handsets. Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.
7.3. Number of Active Mobile Broadband Subscriptions (2011)	127,521,000	In 2011, China has increased the number of Active Mobile-Broadband subscriptions by 171% and is ranked 84 out of 145 countries surveyed. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >]