China's Game Industry Regulations And Policy Report

Description:
This regulation and policy report provides an overview of the legal environment and the actual regulatory practice for the game industry in the People's Republic of China (the "PRC"). The focus upon law as well as practice is a deliberate choice that is influenced by the nature of the legal system in mainland China, which is to say that not all of the regulations and policies are enforced all of the time, because sometimes the policy makers recognize that the speed of business has outpaced the changes to policies.

Accordingly, any overview of any area of law in mainland China cannot stop with a summary of the current rules as stated on the books. It must go one step further to examine the current practice in the field. This second step is, however, more of a journalistic endeavor than traditional legal research. It's important to speak with the regulators, as well as employees tasked with legal compliance and government relations at companies in the industry. In the game industry, which is primarily an online business in China, it is also possible to check compliance with various regulations by visiting the websites of leading game operators. Awareness of how past situations have been handled can also help clarify the otherwise traditionally vague language of China's regulations and the sometimes unstated policies that lie behind those regulations.

Before discussing the detailed regulations on the books, this report first provides a brief overview of the key factors that shape the scope of China's online game market, including the high levels of software piracy and the prohibition on game consoles such as the Xbox, PlayStation and Wii. As a result of these factors as well as the early adoption of massively multiplayer online games (particularly those imported from Korea in 2000-2001), China's game market is an online game market, and this report therefore focuses primarily upon the regulation of online games. This preliminary section also explains China's policy of prohibiting foreign (non-PRC) companies from operating online games in China, as well as the variable interest entity structure used by domestic (PRC) companies to evade these restrictions to obtain foreign capital and list their shares on foreign stock exchanges.

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