

Mobile Apps Seeking to Operate in China Must Conduct Filings with the MIIT Before April 2024



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On August 4, 2023, China's Ministry of Industry and Information Technology (MIIT) issued the *Notice of MIIT on the Filing of Mobile Internet Applications* (the Notice) requiring mobile app developers to conduct a filing with MIIT, which should be viewed as a pseudo-approval process. The Notice will affect all mobile apps operating on internet networks in China. Mobile app developers or operators will have until the end of March 2024 to complete the filing.

Pursuant to the Notice, the MIIT filing must follow the requirements of the *Combating Telecom and Online Fraud, Administrative Measures for Internet Information Services* (Decree No.292 of the State Council) and other regulations. From April 2024 to the end of June 2024, the relevant telecommunications authorities will review and inspect the filings and take steps to dispose of apps without proper filings.

The filing requirement applies to new and pre-existing mobile apps operating in China. Furthermore, the Notice's requirements will apply to mobile app developers, mobile app distribution platforms, and device manufacturers. Distribution platforms and device manufacturers will be required to take steps to avoid disseminating or providing services to unfiled (unapproved) mobile apps, whereas unfiled mobile apps should expect functionality challenges with their apps' operating capabilities in China.

Mobile app developers seeking to continue to operate apps in China or to add new apps to their portfolio should consider conducting a filing early to maintain compliance with the law and avoid disruptions. Distribution platforms and device manufacturers should monitor evolving legal requirements related to technology and contracts, as additional changes may be on the horizon.

Winston & Strawn has formed a strategic alliance with a Chinese law firm licensed to practice China law, known as the YuandaWinston strategic alliance. YuandaWinston seamlessly assists clients with complex issues involving China law.

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