

Copyright System in Japan

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- (m) Society for the Administration of Remuneration for Video Home Recording (SARVH)

<Musical/Audio Works>

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- (o) Music Publishers Association of Japan (MPA)
- (p) The Federation of Music Producers Japan (FMP)
- (q) Society for the Administration of Remuneration for Audio Home Recording (sarah)

<Computer Program>

- (r) Association of Copyright for Computer Software (ACCS)

(s) Software Information Center (SOFTIC)

<Performance>

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<Phonogram>

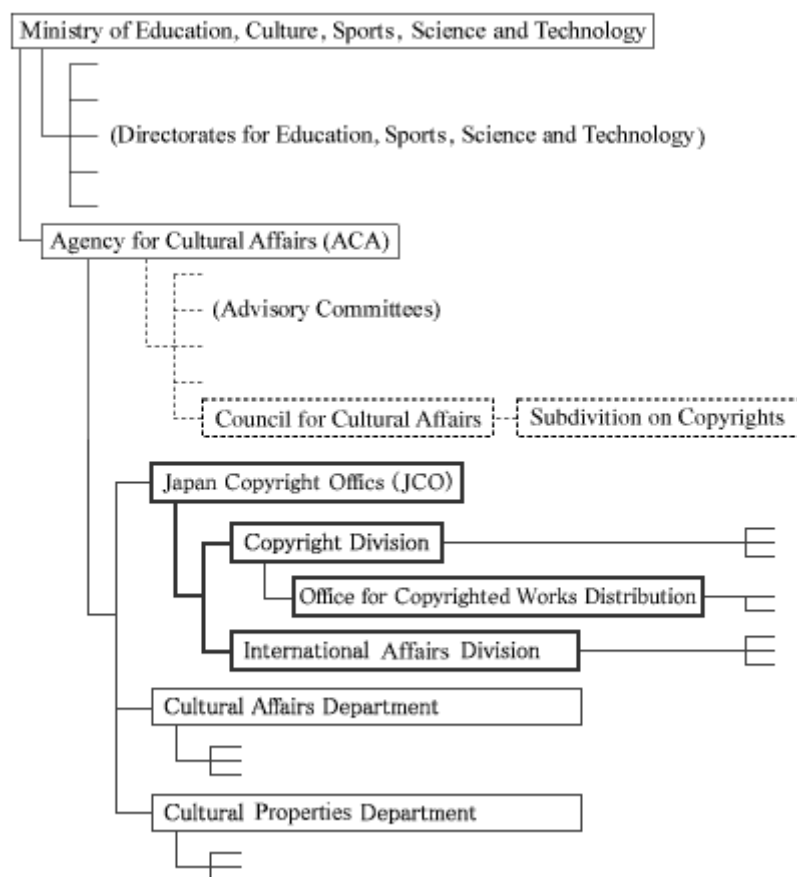
(u) Recording Industry Association of Japan (RIAJ)

<Broadcasting>

(v) Japan Commercial Broadcasters Association (JBA)

I. COPYRIGHT AUTHORITIES OF THE GOVERNMENT

The protection of copyright (copyright (author's right) and neighboring rights) is a part of the responsibility of the cultural authorities of the Government of Japan i.e. the Japan Copyright Office (JCO) of the Agency for Cultural Affairs (ACA), which is a part of the Ministry of Education, Culture, Sports, Science and Technology (MEXT). The diagram below shows the structure of the governmental organizations related to copyright. (Industrial property rights come under the responsibility of the Ministry of Economy, Trade and Industry (METI) and the Japanese Patent Office (JPO), which is a part of the former.)



The JCO has been carrying out a wide range of copyright policies such as the planning of copyright legislations, the improvement of right clearance systems, the planning of new policies to cope with the development of digitization and network, supervision over collective societies, educational activities for experts and the general public, participation in international norm-setting, cooperation programs for developing countries, countermeasures against piracy, etc.

Important policies are planned based on discussions and reports of the Subdivision on Copyrights of the Council for Cultural Affairs which is an advisory committee for the Commissioner of the ACA. This Council is composed of some members (representatives of rightholders and users, researchers, experts, lawyers, etc.) and has been functioning

as the major mechanism to mobilize expertise of specialists as well as to harmonize various viewpoints and interests of stakeholders.

II. HISTORY OF COPYRIGHT SYSTEMS IN JAPAN

(1) Establishment of the Modern Copyright System

Japan marked its first step of development toward a developed country in 1868 when the Meiji Restoration took place after its 270-year reign of Tokugawa (Edo) Shogunate and its isolation policy. Among the developments of various political, legal, economic and social systems, the system of copyright was also established and developed gradually after the Meiji Restoration. The first legislation on copyright was the Publishing Ordinance, which was enacted in 1869. This Ordinance provided for both the protection of copyright and the regulation on publishers. In 1887, the copyright part of this Ordinance became independent as a newly established legislation called the Copyright Ordinance, which is said to be the first copyright legislation in Japan in substance.

Japan acceded to the Berne Convention in 1899. As a new set of provisions was required to comply with the Berne Convention, the Copyright Ordinance was changed as a whole into the Copyright Law in 1899. This Copyright Law of 1899 (the old Copyright Law) is referred to as the first modern copyright law of Japan consistent with the international standard of copyright protection.

(2) Development of the Copyright System

After the initial enactment, the Copyright Law of 1899 was revised and amended several times as follows in order to expand the range of copyright protection and to facilitate fair exploitations of works.

- 1910: Architectural work was added as a type of work of authorship to be protected. The protection of works against unauthorized cinematographic adaptation and presentation was stipulated. (In the same year, Japan ratified the Berlin Act of the Berne Convention of 1908.)
- 1920: The protection of musical performances was stipulated principally against unauthorized audio fixation. (Performances are currently protected by neighboring rights regimes in the majority of countries including Japan, however, they used to be protected by the copyright regime in Japan under the old Copyright Law up to 1970.)
- 1931: The protection of moral rights was expanded. The rights of broadcasting was introduced. The protection of cinematographic works was stipulated. (In this year, Japan ratified the Rome Act of the Berne Convention of 1928.)
- 1934: The right of publication was introduced. The rights of phonogram producers,

which are now protected as neighboring rights, was stipulated.

In addition to above revisions, the Law on Intermediary Business Concerning Copyright was enacted in 1939. This Law provided for regulations on collective management of musical, literary and dramatic works for the benefit of copyright owners and users, aiming at fair exploitation of works.

(3) Enactment of the New Copyright Law

The old Copyright Law remained in force for some seventy years since its enactment in 1899 although minor amendments were made several times. However, as the means of reproduction and communication of works developed increasingly rapidly, a number of provisions in the old Copyright Law became insufficient and obsolete to cope with such new developments.

With regard to the international framework of copyright protection, the Berne Convention was revised continually in Brussels in 1948, in Stockholm in 1967 and in Paris in 1971. Also, an international convention for the protection of neighboring rights was concluded in Rome in 1961 (the Rome Convention) in order to establish an international framework to protect the rights of performers, phonogram producers and broadcasting organizations.

Under such circumstances, the Government of Japan decided to reform its copyright system thoroughly. After far-reaching discussions at the Copyright System Council, started in 1962, in response to the request of the Government, the Government drafted a totally new copyright law in 1966 based on the report of the Council. The draft law was submitted to and approved by the Diet in 1970, and subsequently, the new Copyright Law was enacted in the beginning of 1971.

The major characteristics of the new Copyright Law are as follows.

Firstly, for the purpose of strengthening copyrights, both moral rights and economic rights were clearly defined. With regard to the term of protection, it was extended from 30 years to 50 years after the death of the author.

Secondly, considerably detailed provisions of limitation on rights were introduced to permit fair exploitations of works in exceptional cases such as reproduction for personal use, in libraries, for educational purposes, etc. However, strict and detailed conditions were stipulated for each case under the limitation, and in some cases obligation to pay proper compensation was imposed on the users.

Thirdly, neighboring rights were newly established to protect the rights of performers, phonogram producers and broadcasting organizations. This was done to comply with the obligations under the Rome Convention.

Fourthly, the new Copyright Law contained such other detailed provisions as follows: the exploitation of works under compulsory license in the case where the copyright owner is unknown; registration systems (registration of the date of first publication, true name of

the author, transfer of copyright, etc., which are not compulsory to have the eligibility of ownership) and an arbitration system for dispute settlement concerning copyright. Furthermore, the new Copyright Law incorporated strengthened penal sanctions on the infringement of copyright.

(4) Accession to International Conventions

Japan has been a member of the Berne Union since 1899. As the contents of the new Copyright Law fulfilled the obligations of both the Brussels Act (1948) and the Paris Act (1971) of the Berne Convention, Japan acceded to the former in 1974 and ratified the latter in 1975.

To cope with the digitization and networking society, Japan acceded to the WIPO Copyright Treaty in 2000 and the WIPO Performances and Phonograms Treaty in 2002 .

With regard to other international conventions, Japan has ratified or acceded to them as follows:

1956: The Universal Copyright Convention

1978: The Phonograms Convention

1989: The Rome Convention

1994: The TRIPS Agreement

The level of the protection of author's right and neighboring rights in Japan exceeds the obligations of the above international conventions in a number of aspects.

(5) Recent Developments in Relevant Legislations

Keeping up with the significant developments in relevant technologies, changes in socio-economic backgrounds and international movements after 1971, the new Copyright Law has been revised a number of times. The major recent revisions of the Copyright Law after 1984 are as follows:

1984: • Introduction of "the right of rental"

1985: • Stipulations to clarify the protection of "computer programs"

1986: • Stipulations to clarify the protection of "databases"

• Introduction of "the right of interactive transmission"

• Introduction of "wire diffusion organizations" as the fourth category of neighboring rights owners

1988: • Strengthening of penal sanctions (against the possession of pirated copies for the purpose of distribution)

- Expansion of the term of protection of neighboring rights (from 20 to 30 years)
- 1989: • Amendments to comply with the Rome Convention
- 1991: • Expansion of the term of protection of neighboring rights (from 30 to 50 years)
- 1992: • Introduction of "the compensation system for digital private recording"
- 1994: • Amendments to comply with the TRIPS Agreement
- 1996: • Expansion of the duration of the protection of photographic works
 - Expansion of the range of retroactive protection of neighboring rights beyond the obligation under the TRIPS Agreement
 - Increase in the amount of fine as penal sanction
 - Introduction of a new system for damage information
- 1997: • Establishment of the new right of "making transmittable (available)"
- 1999: • Amendments to comply with the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty
 - Establishment of the new provisions on "Technological Measures" and "Rights Management Information"
 - Establishment of the new right of transfer of ownership
 - Extension of the right of presentation
- 2000: • Stipulations of limit on author's rights for certain cases of exploitation of works for the visually disabled and the hearing impaired
 - Strengthening of Civil remedies and penal sanctions (the ceiling of a fine against infringement by legal persons is raised to not exceeding a hundred million yen)
- 2002: • Amendments to comply with the WIPO Performances and Phonograms Treaty
 - Establishment of the new moral rights of Performers
 - Establishment of the new right of making works transmittable to broadcasting organizations and wire diffusion organizations
 - Change of the beginning of term of Protection of Phonograms
- 2003: • Expansion of the term of the protection of cinematographic works
 - Stipulations of limit on rights for reproduction for preparing textbooks in large print and public transmission in educational institutions, etc.
 - Strengthening of civil remedies
- 2004: • Establishment of the new right of "Rental right for books and magazines" by removing the supplementary provision concerned
 - Establishment of the new prevention measures for Sound recordings from

flowing back across the border

- Strengthening penalties for copyright infringement
- 2006:
- Facilitation of simultaneous retransmission of regular broadcast program by IP multi-cast broadcasting
 - Establishment of limitations on rights, such as interactive transmission of digitally recorded books for visually disabled, reproduction for submitting documents in patent examination procedure and pharmaceutical approval procedure, and temporary reproduction for repair or maintenance of machines
 - Exportation of pirated goods etc. shall be considered as an act constituting infringements on copyright and related rights
 - Strengthening penalty for copyright infringement
- 2007:
- Establishment of act on Prevention of Unauthorized Recording of Movie in Theaters for development of movie industry and culture.
- 2008:
- Expansion of Limitation on Copyright for reproduction in school textbook in large for the purpose of study use by visual disabled children or pupils.
- 2009:
- Measures for making it easier to use copyrighted works through the internet. The following cases are permissible without authorization of right holders
 - reproduction to implement an Internet Search
 - secondary use of old broadcast program etc. through the Internet in case such as where the whereabouts of the copyright holder is unknown
 - digitization of the materials housed in the National Diet Library
 - publication of images of art works part of online sales
 - reproduction for the purpose of information analysis and research
 - reproduction required in using a computers
 - Measures for deterring the illegal distribution of copyright materials
The following act shall be considered to constitute infringement on copyright
 - offer the sale of pirated works through the Internet being aware of infringement
 - reproduction of music and motion pictures that has been downloaded illegal through the Internet being aware of infringement over if it is for the purpose of private use
 - Expansion of Limitation on Copyright as measures for making it equal access to information for the people with disabilities
 - Stipulations of limit on rights for reproduction of collecting internet materials by the Chief Librarian of the National Diet Library under the National Diet Library Law.
- 2012:
1. Provisions stipulating that the following types of acts shall not constitute infringement are made.

- Provisions relating to 'so-called' incidental use etc.
 - Exploitation of a work appearing incidentally in a photographic work etc.
 - Exploitation of a work deemed to be necessary for the process of achieving legitimate use of the work.
 - Exploitation of a work as a material for developing technology or testing for practical use.
 - Exploitation of a work for information processing necessary for preparation of providing information through the use of information and communications technology.
 - Provision relating to the interactive transmission of library materials by the National Diet Library.
 - Provision relating to the exploitation of a work on the basis Public Records Management Law etc.
2. Following provisions are made for strengthening protection of copyright and related rights.
- Provision relating to technological protection measures for copyright and related rights.
 - Provision relating to criminal penalties against downloading illegally uploaded music or movie files.

(6) Enactment of the Law on Management Business of Copyright and Neighboring Rights

The Law on Intermediary Business concerning Copyright remained in force for some sixty years without any significant amendments since its enactment in 1934. However, in order to consolidate new business rule with regard to copyright management, responding to the development of content industry in the IT revolutionary age, an introduction of new copyright business law has been examined.

From such a point of view, the Law on Intermediary Business concerning Copyright was abolished and the Law on Management Business of Copyright and Neighboring Rights was newly enacted in November 2000, whose main purpose is to facilitate establishment of new copyright management business. This law came into force in October, 2001.

The outline of new system is as follows.

- (a) The categories of works under the law is extended to all categories of works and objects of neighboring rights.
- (b) With respect to prerequisites for engagement in copyright management business, the registration system is substituted for the license system.

- (c) With respect to rules on the royalty, the notification system is substituted for the approval system and the new dispute settlement system is introduced.

III. DEVELOPMENT OF COPYRIGHT PROTECTION POLICIES FOR ADVANCED INFORMATION AND COMMUNICATION NETWORKS

[Background]

With the advancement and the diversification of information technology, we are using a large variety of methods for creating and using literary and artistic works, thus spreading numerous works more extensively across the globe. As a result, an increasing number of people are being involved in copyrights.

In light of this new environment, including spread of the Internet, the World Intellectual Property Organization (WIPO) adopted the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) in 1996. Japan consecutively revised relevant laws and regulations in 1997, 1999, 2000, and 2002 in line with these treaties. The country acceded to the WCT in 2000 and the WPPT in 2002.

The Japanese government has been endeavoring to effectively protect and use intellectual property, ranging from animated cartoon and music to inventions and plant varieties. In February 2002, for achieving the goal of making Japan an "intellectual property - based nation", Strategic Council on Intellectual Property Rights was set up in Japan to deal with a diversity of problems under the initiative of the Prime Minister. In July, the Council released Intellectual Property Policy Outline. In December, Basic Law on Intellectual Property was enacted. Intellectual Property Strategy Headquarters was set up in March 2003. And in July, "Strategic program for the creation, protection and exploitation of Intellectual Property" was issued and has been built up annually to implement policies stipulated in the law. Meanwhile, the Council for Science and Technology Policy and the Judicial Reform Headquarters are extensively discussing how to properly protect intellectual property.

JCO, which is in charge of copyright issues and procedures, has designated strategic fields for developing a comprehensive copyright policy: (1) streamlining laws and regulations, (2) developing smooth distribution systems, (3) dealing with international issues, (4) reinforcing education on intellectual property.

[Strategic Actions]

(1) Streamlining Laws and Regulations

1. The Copyright system in the information age

Japan was one of the first nations to grant new rights under a copyright law to cope with legal problems involving the Internet. To be more precise, the country took the lead as early as 1986 in granting the author of a work the right to forbid the transfer of the work on the Internet without permission. In 1997, the same right was extended to performers and producers of phonograms.

Further, with the advent of the so-called broadband age, the Copyright Law was amended in June 2002 to give the same right to broadcasting organizations and wire diffusion organizations, aiming to deal with illegal retransmissions of TV programs on the Internet.

Today, Japan is the country to have a comprehensive legal system covering works, performances, phonograms, broadcast programs, and cable broadcast programs.

2. The latest trend and future assignment

The Subdivision on Copyright of the Council for Cultural Affairs have been studying mainly the issues reported at the subdivision meeting, taking into consideration new issues in response to social demands added by the Intellectual Properties Strategies Headquarters, established within the Cabinet.

In Dec. 15, 2006, the amended copyright law was enacted. The contents of amendment are as follows:

<1> Facilitating simultaneous retransmission of regular broadcast programs by IP multi-cast broadcasting

In order to realize the simultaneous retransmission of regular broadcast programs by IP multi-cast operators smoothly, the rights of performers etc. are limited to a certain degree. On the other hand, the remuneration right for simultaneous transmission of the programs by cablecasting organizations is granted to them based on expansion of cablecasting business.

- * IP multi-cast broadcasting means one of the techniques which make it possible to transmit a large quantity of information by using communication lines. By using closed network, it can transmit broadcasting programs in limited areas. Moreover, only the programs selected by users are transmitted to them from the nearest IP stations.

<2> Expansion of right limitations, etc., correspond to the change of age

- Exemption of the transmission by wireless LAN on the same premises from the scope of "public transmission".
- Establishment of limitation on rights about information service establishments for visually disabled, etc. interactively transmit digitally recorded books solely for visually disabled.
- Establishment of limitation on rights concerning administrative procedure such as reproduction for submitting documents in patent examination procedure, pharmaceutical approval procedure.
- Establishment of limitation on rights concerning temporary reproduction for repair

or maintenance of machines.

<3> Ensuring effectiveness of protection of copyright and related rights

Repeated Exportation or possession for exportation of pirated goods by a person who is aware of such infringement are newly included as an object of regulative control. Also, maximum punishment concerning copyright and related right infringement raised imprisonment up to 10 years, fine up to 10 million Yen for natural person, up to 300 million Yen for legal person.

In Jan. 2009, the results of the meetings in 2007 and 2008 were gathered and summarized as a report by the Subdivision on Copyright of the Council for Cultural Affairs. In Mar. 2009, a bill for the partial amendment of the Copyright Act, which considered this report, was submitted to the Diet, passed in June, and enforced in January 1, 2010.

In 2009, three subcommittees were set up within the Subdivision on Copyright of the Council for Cultural Affairs: the Basic Issues Subcommittee, the Legislative Issues Subcommittee and the International Subcommittee. The three subcommittees considered a diverse array of issues.

Specifically, the Basic Issues Subcommittee discussed the present significance of copyright in increasing digitization/networking. The Legislative Issues Subcommittee handled "general provision of rights restrictions", "issues relating to creation by multiple parties on the Internet", and "indirect infringement", which are urgently discussed under the Intellectual Property Strategic Program 2009. The International Subcommittee discussed the effective formation of rules for international jurisdiction and governing laws. Each subcommittee reviewed the progress of examinations, rearranged the remaining and other issues, and summarized the progress of their examination.

In 2010, the Subdivision on Copyright of the Council for Cultural Affairs will continue to discuss these and other issues.

(2) Developing Smooth Distribution Systems

To promote smooth distribution of works, the JCO is implementing the following measures:

<1> The precise implementation of the Law on Management Business of Copyright and Neighboring Rights

In accordance with a proposal of the Subdivision on Copyright of the Council for Cultural Affairs in January 2006, JCO is promoting to strengthen the guidance and control over management business operators.

<2> Research and study on the current situation of the contracts concerning visual contents in foreign countries

JCO has broadly researched and analyzed the current situation of the contracts concerning visual contents not only in Japan but also in foreign countries for the purpose of making basic data which are useful in discussion on facilitation of contracting system or in actual contract negotiation by stakeholders. In Oct. 2009,

JCO held a symposium which is related to this research and study.

<3> Spread of "free use mark"

In order to promote smooth circulation of works, a special label was introduced in 2003 under the name "free use mark" to allow content authors to show their will to consent free use of works in certain conditions. Active efforts are being undertaken to promote the use of the mark through the dissemination of pamphlets among regional public bodies, educational institutions, and related organizations, and through the organization of specialized training sessions on copyright issues.

In addition, a research on the creation of new type of "free use mark" for the exploitation of works through the Internet is being undertaken from 2007 in order to release in 2010.

(3) Dealing with International Issues

As more people use digitized information and access digital networks, they are able to copy a variety of works on the Internet more easily. At the same time, digitized works are being distributed more actively across national borders. JCO is promoting the construction of antipiracy measures and an international rule to cope with these new circumstances.

<1> Strengthening antipiracy measures for the Asian region

While interest has been growing in recent years in works created in Japan, including musical products and game software, illegal copies of such Japanese works are being produced and distributed on a large scale outside Japan, especially in other Asian regions, causing serious problems for Japanese right holders.

To prevent the production and the distribution of pirated copies, it is essential to provide an environment that allows Japanese copyright owners to take prompt actions in the regions where copyright infringements occur.

It is also important to build bilateral and multilateral frameworks that prompt concerned parties to streamline their copyright system through participation in related international conventions and set up a copyright management organization. If copyright infringements are mainly due to insufficient organization or administration of the legal system of a country, then we must require the country to initiate corrective measures in accordance with the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS).

In addition, JCO has supported the activities of an organization, called Contents Overseas Distribution Association (CODA), which aims to monitor illegal activities and handle judicial actions on behalf of copyright-related organizations and the contents industry. It has also endeavored to make strong demands on concerned countries in bilateral and multilateral negotiations so that they will strengthen control of illegal acts.

<2> Reinforcing Education for Copyright for Asian region

JCO has long extended support, such as compilation of manual for the more effective use of civil and criminal procedures, publication of "Asian Copyright Handbook" for

Asian people to reinforce education for copyright and implementation of cooperation program to enhance copyright systems for Asian nations cooperation with WIPO. In addition, it has also provided some programs inviting officials from Asian country to learn copyright systems in Japan several times a year.

<3> Participation in international effort to establish standardized rules

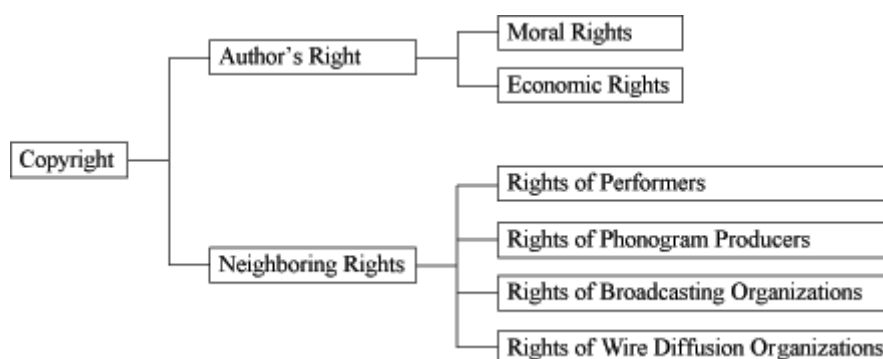
In addition to the Berne Convention, the Rome Convention, and TRIPS, Japan acceded to the WCT and the WPPT. The country is also playing an active role in promoting discussions on the establishment of new treaties concerning audio-visual performances and the broadcasting organization, while at the same time encouraging Asian nations to ratify WIPO treaties, including the WCT and the WPPT.

(4) Reinforcing Education for Copyright

It is becoming more important to have higher awareness and more knowledge about copyright. To cope with this circumstance, the national curriculum called "Course of Study" for junior and senior high schools prescribes the coverage of copyright in classes. In order to spread the knowledge of copyright, JCO holds seminars in each place of Japan. Each year, seminars are held at about thirteen locations for the general public, officials of local governments in charge of copyright, librarians and teachers. Also JCO prepares and provides teaching materials for various kinds of people. As for teaching materials, software to teach students about copyright, a collection of guidance cases for teachers, videos for college students and corporations, textbooks for beginners, and a Q&A database about copyright are offered via [website](#) [Japanese only]).

IV. AUTHOR'S RIGHT AND NEIGHBORING RIGHTS IN THE JAPANESE COPYRIGHT LAW

The following diagram shows the structure of rights in the Japanese Copyright Law, which are explained in this Chapter.

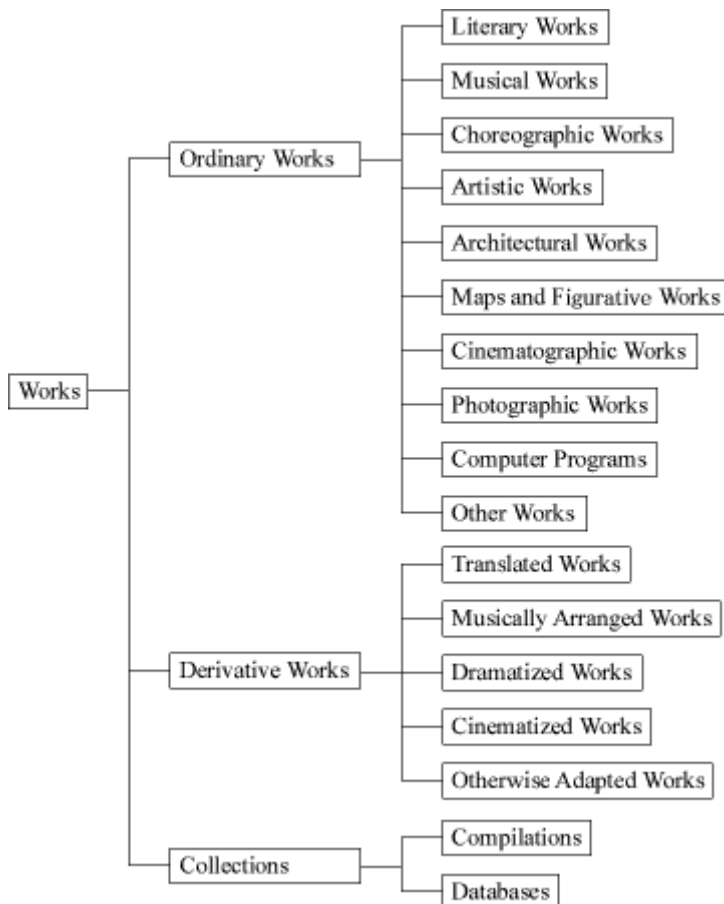


1. Author's Right

(1) Definition/Classification of "Works" (Art.10 <1>)

Works of authorship which enjoy protection under the Japanese Copyright Law are defined in the Law as "production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain".

The Copyright Law exemplifies works to be protected as follows.



Note:

- 1) The Copyright law excludes the following from the scope of works of authorship :
 - (a) news having the character of simple communication of facts; and
 - (b) programming language, rule (a special rule on how to use a programming language in a particular program) and algorithm.
- 2) The protection of "derivative works" does not prejudice the rights of authors of the original works. As the authors of the original works continue to have all rights (except for the moral right to control "modification") also for the derivative works,

those who wish to exploit a derivative work should obtain an authorization from both the author of the original work and the author of the derivative work.

- 3) "Compilations" of works and/or data which constitute intellectual creations by reason of the selection and/or arrangement of the contents are protected as independent works. This protection does not prejudice the rights of authors of works incorporated in the compilations. Those who wish to exploit a compilation as a whole or a substantial part of it should obtain an authorization from both all the authors of the works incorporated in the compilation and the editor (author) of the compilation.
- 4) "Databases" of works and/or data which constitute intellectual creations by reason of the selection and/or systematic construction of the contents are protected as independent works. This protection does not prejudice the rights of authors of works incorporated in the databases. The demarcation between compilations and databases in the Japanese Copyright Law is "computer readability".
- 5) Works created by two or more authors the contribution of each author in which cannot be separately exploited are called "joint works".
- 6) The following are works which do not form the subject matter of copyright because of their nature to be widely and freely used by the public :
 - (a) constitution and other laws/regulations ;
 - (b) notifications, instructions, circular notices, etc. issued by the national or local authorities ;
 - (c) judgements, decisions, orders and decrees of law courts, as well as rulings and decisions made by administrative organs in proceedings similar to judicial ones ; and
 - (d) translations and compilations of the preceding three groups of items made by the national or local authorities.

(2) Protected Works(Art.6 - Art.9bis)

The following works are granted protection under the Copyright Law:

- (a) works of Japanese nationals (including legal persons established under Japanese laws and those which have their principal offices in Japan);
- (b) works first published in Japan (including those first published abroad and published in Japan within thirty days of the first publication);
- (c) foreigners' works to which Japan has the obligation to grant protection under international treaties.

(3) "Author" and "Copyright Owner" (Art.14 - Art.16)

"Author" means the person who has created a work. As works are created as expressions of people's thoughts or sentiments, an author is, in principle, a natural person.

However, the Copyright Law gives the authorship to the employers such as body cooperates which employ the actual creators of works under the following four conditions:

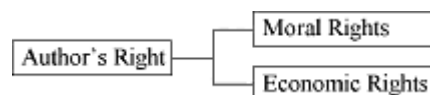
- (a) the work is created based on the initiative of the employer;
- (b) the work is created by an employee as a part of his duties;
- (c) the work has been or would be made open to the public under the name of the employer (except for computer programs);
- (d) there is no stipulation in the contract of employment, work regulation, etc.

As all "author's rights", viz. moral rights and economic rights, are granted automatically (without any formality) to the author when a work is created, the author is, at the same time, the copyright owner (the owner of economic rights). However, while moral rights are not transferable, economic rights can be transferred from the author to other parties. Therefore, the author of a work may be different from the owner(s) of the economic rights.

An exception to this general rule under the Copyright Law is the case of cinematographic works: economic rights in a cinematographic work automatically belong to the maker of it (rather than the author) under some conditions.

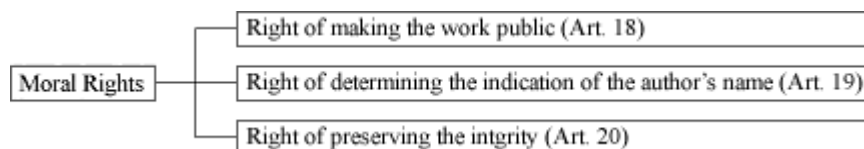
(4) Rights of Authors

The Copyright Law provides for the following rights without any formality.



(a) Moral rights

The Copyright Law provides for the following three moral rights of authors.

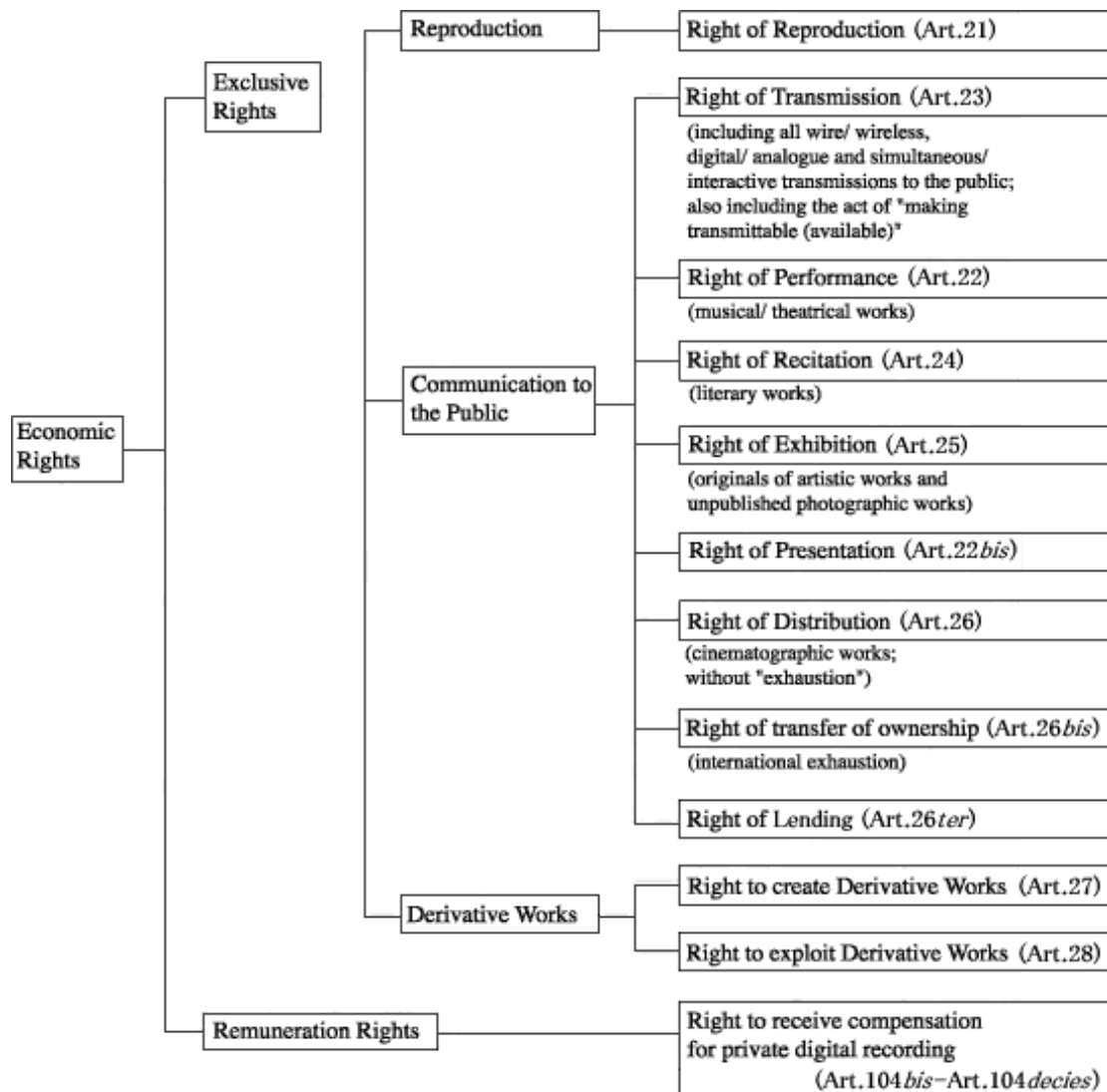


Note:

- 1) Moral rights of authors are of exclusively personal nature, and they can never be transferred.
- 2) Acts which would infringe moral rights are prohibited even after the death of the author.

(b) Economic rights

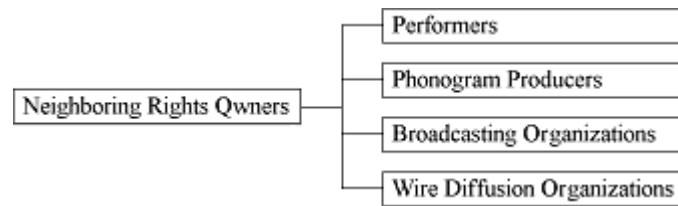
The Copyright Law provides for the following economic rights of authors.



2. Neighboring Rights

(1) Neighboring Rights Owners and the Scope of Protection

The Copyright Law grants neighboring rights to the following four categories of right owners.



(a) Protected performances (Art.7)

- <1> performances which take place in Japan
- <2> performances fixed in "phonograms" under protection
- <3> performances transmitted by "broadcasting" or "wire diffusion" under protection
- <4> performances to which Japan has the obligation to grant protection under the Rome Convention or the TRIPS Agreement
- <5> performances which take place in a Contracting Party to the WIPO Performances and Phonograms Treaty

(b) Protected phonograms (Art.8)

- <1> phonograms the producers of which are Japanese nationals
- <2> phonograms composed of the sounds which are first fixed in Japan
- <3> phonograms to which Japan has the obligation to grant protection under the Rome Convention, the Phonogram Convention or the TRIPS Agreement
- <4> phonograms the producers of which are nationals of any of the Contracting Parties to the WPPT ("nationals" includes legal persons established under the law of such Contracting Party and those who have their principal offices in such Contracting Party)
- <5> phonograms composed of the sounds which were first fixed in any of the Contracting Parties to the WPPT

(c) Protected broadcasts (Art.9)

- <1> broadcasts transmitted by broadcasting organizations of Japanese nationality
- <2> broadcasts transmitted from transmitters situated in Japan
- <3> broadcasts to which Japan has the obligation to grant protection under the

Rome Convention or the TRIPS Agreement

(d) Protected wire diffusions (Art.9*bis*)

- <1> wire diffusions transmitted by wire diffusion organizations of Japanese nationality
- <2> wire diffusions transmitted from transmitters situated in Japan

(2) Neighboring Rights Granted by the Copyright Law

The Copyright Law provides for the following neighboring rights without any formality. The rights granted to foreign phonogram producers, etc. may differ among the countries of origin because of different levels of protection among neighboring rights treaties as well as the different accessions to such treaties among relevant countries of origin.

		Performance (Art.7)	Phonogram (Art.8)	Broadcast (Art.9)	Wire Diffusion (Art.9 (ii))
Moral Rights	determining the indication of the performer's name	o	-	-	-
	preserving the integrity	o	-	-	-
Exclusive Rights	fixation	o	-	o	o
	reproduction of fixations	o	o	o	o
	(re)broadcasting	o ("live" only)	-	o	o
	wire (re)diffusion	o ("live" only)	-	o	o
	interactive transmission ("making transmittable (available)")	o ("live" and commercial phonogram)	o	o	o

	transfer of ownership	0	0	-	-
	rental by commercial phonograms (the first one year only)	0	0	-	-
	public display by enlarging TV	-	-	0	0
Remuneration Rights	broadcasting or cablecasting of commercial phonograms (including simultaneous retransmission)	0	0	-	-
	rental of commercial phonograms (the remaining 49 years)	0	0	-	-
	simultaneous retransmission of the programs which includes live performance by cablecasting organizations	0	0	-	-
	simultaneous retransmission of regular broadcast programs by IP multi-cast operators	0	0	-	-

3. Term of Protection

(1) Author's Right (Art.51)

The protection of economic rights of authors begins at the creation of the work automatically without any formality, and continues until the end of a period of fifty years following his/her death.

However, in the cases where the above rule cannot be applied, the term of protection is for fifty years following the "making public" (the first publication, performance to the public, transmission to the public, etc.) of the work. (If the work is not made public within fifty years following its creation, the term of protection will be fifty years following its creation.)

Economic rights in the following cases continue to subsist until the end of fifty years following the making public of the works :

- (a) anonymous and pseudonymous works ;
- (b) works bearing the name of a body corporate.

Economic rights of cinematographic works continue to subsist until the end of seventy years following the making public of the works.

The calculation of the fifty years starts from the beginning of the year following the author's death, the making public or the creation of the work.

In the case of periodical publications such as newspapers and magazines, the term of protection is calculated from the making public of each volume or issue. However, in the case of works which are made public in parts continually such as serial novels in a magazine, the term of protection is calculated from the making public of the last part.

Some special rules are stipulated on the term of protection, e.g. for works created by foreign nationals. Although they are rather complicated in practice, due attention should be paid when exploiting foreign works. The term of protection of moral rights theoretically expires when the author dies, however, acts which would infringe moral rights are prohibited even after the death of the author.

(2) Neighboring Rights (Art.101)

The term of the protection of neighboring rights starts on the following date, and expires at the end of a period of fifty years from the beginning of the year following the date (except phonograms).

Performances: when the performance takes place

Phonograms: when the first fixation of sounds is made

Broadcasts: when the broadcast takes place (for broadcasts)

Wire Diffusions: when the wire diffusion takes place

*The term of protection of neighboring rights shall expire at the end of a period of fifty years from the year when the publishing was made or when the first fixation of sounds was made if the publishing has not been made within a period of fifty years following the first fixation of sounds, for phonograms.

4. Limitation on Rights

The purpose of the copyright protection system in Japan is to pursue the development of culture through ensuring the protection of rights of authors and other rightholders. However, one can find other rights/values in the society such as the development of education, art and culture, social welfare, democratic systems, etc., which are deeply

related to public interests. Therefore, with a view to ensuring the "balance" between copyright and other rights/values, the Copyright Law provides for limitations on rights for limited and exceptional cases. These provisions are carefully established with strict and detailed conditions so that they may not unreasonably prejudice the interests of right owners. The following are the major examples of such limitations, and it should also be noted that when the author's right is limited, relevant neighboring rights are usually limited, too.

(a) Reproduction for personal use (Art.30)

It is permissible to reproduce a work for the purpose of the user's personal use. Even if it is done personally, the following cases are not permissible.

- reproduction for business (profit-making or non-profit-making)
- reproduction by means of automatic reproducing machines for public use
- reproduction which is made by the circumvention of technological protection measures
- reproduction of music and motion pictures has been downloaded illegal through the internet being aware of infringement
- reproduction of music and motion pictures has been downloaded illegal through the internet being aware of infringement

Also, those who make digital sound or visual recordings for the purpose of personal use should pay compensation to the copyright owners, the performers and the phonogram producers concerned, which is in advance added to the prices of digital recording equipments/media.

(b) Reproduction in and by libraries (Art.31)

It is permissible for libraries to reproduce a work for limited cases and purposes under some strict conditions.

In addition, digitization of the materials housed in National Diet Library for the purpose of avoiding damages will be permissible.

(c) Quotations (Art.32)

It is permissible to make quotations from a work as long as it is compatible with fair practices.

(d) Reproduction in school textbooks authorized by the Government (Art.35)

It is permissible to reproduce a work in school textbooks authorized by the national educational authorities, however, the person who carries out such reproduction is to announce it to the author as well as to pay compensation to the copyright owner.

(e) Reproduction for preparing of textbook in large print (Art.33bis)

It is permissible to reproduce textbooks in large print or by other means for visually, developmentally pupils who has difficulties in using copyrighted works on textbooks,

however, the person who carries out such reproduction is to announce it to the author as well as to pay compensation to the copyright owner.

(f) Broadcasting or wire diffusion in school education programs complying with the National Curriculum Standard (Art.34)

It is permissible to broadcast or diffuse by wire a work in programs for school education consistent with the National Curriculum Standard. However, the person who carries out such transmission is to announce it to the author as well as to pay compensation to the copyright owner.

(g) Reproduction in educational institutions (Art.35)

It is permissible for a person who is in charge of teaching and those who are taught in a school or other educational institutions in formal or informal educational institutions for non-profit-making purpose to reproduce a work to use it in the course of teaching, provided that such reproduction does not unreasonably prejudice the interests of the copyright owners.

It is permissible to make the public transmission of such work intended for reception by those who take lessons at the same time at a place other than that where such lessons are given in the course of such lessons, provided that such transmission does not unreasonably prejudice the interests of the copyright owners.

(h) Reproduction in examination questions (Art.36)

It is permissible to reproduce, or make the public transmission of a work in examination questions, however, if such examination is done for profit-making purposes, provided that such reproduction does not unreasonably prejudice the interests of the copyright owners. The person who carries out such reproduction or transmission is to pay compensation to the copyright owner.

(i) Reproduction for the disabled people (Art.37)

It is permissible to reproduce a work in Braille and transmit Braille data of a work publicly through a personal computer network. For Braille libraries and other establishments (designated by Cabinet Order) for the promotion of the welfare of the visually disabled, it is permissible, solely for the purpose of renting or making automatic public transmission (including making transmittable; the same shall apply in this paragraph hereinafter) to the visually disabled, to make sound recordings of a work already made public or make automatic public transmissions exploiting such sound recordings solely for the visually disabled.

Those persons, designated by Cabinet Order, who are engaged in activities relating to the welfare of the visually disabled way, to the extent deemed necessary in order to provide works exclusively for the use of the visually disabled, reproduce works that have been provided to the public via means whereby the expression of the work is recognized visually, by concerting written words into sound or any other means necessary for the works to be used by the visually disabled, and may also make such reproductions. This provision shall not apply in cases where either the copyright owner or someone authorized by the Copyright Owner has provided the work to the public via the means necessary for use by visually disabled.

(j) Interactive transmission of captions for the hearing disabled (Art.37bis)

It is permissible for social welfare establishment for the hearing impaired designated by the Cabinet Order to make an interactive transmission of caption of voice on TV.

Those persons, designated by Cabinet Order, who are engaged in activities relating to the welfare of the hearing disabled way, to the extent deemed necessary in order to provide works exclusively for the use of the hearing disabled, reproduce works that have been provided to the public via means whereby the expression of the work is recognized aurally, by converting sound into written words or by any other means necessary for the works to be used by the hearing disabled, and may also make such reproductions together with reproductions of the sound if this is done exclusively for the purpose of lending the reproduction to the hearing disabled. This provision shall not apply in cases where either the copyright owner or someone authorized by the copyright owner has provided the work to the public via the means necessary for use by the hearing disabled.

(k) Specific acts for non-profit-making purposes (Art.38)

It is permissible to perform, recite and cinematographically present a work for non-profit-making purposes and without charging any fees to the audience or spectators, provided that the performers or reciters concerned are not paid for such acts.

It is permissible to lend copies of a work to the public for non-profit-making purpose and without charging any fees to borrowers of such copies. However, in the case of cinematographic works the above lending (public lending) is permissible only for the facilities designated by the Cabinet Order, and the facilities which carries out such lending is to pay a reasonable amount of compensation to the copyright owner.

(l) Reproduction, broadcasting, wire diffusion and public communication of articles on current topics (Art.39)

It is permissible to make use of articles published in newspapers or periodicals on current political, economic or social topics, not having a scientific character, by means of reproduction in the press, broadcasting, wire diffusion, and public communication provided that such use is not prohibited by the copyright owner.

(m) Exploitation of political speeches (Art.40)

It is permissible to exploit political speeches delivered in public and speeches delivered in the course of judicial proceedings by any means.

(n) Reporting of current events (Art.41)

For the purpose of reporting current events, it is permissible to reproduce and exploit a work involved in the event or a work seen or heard in the course of the event.

(o) Reproduction for judicial, legislative and administrative proceedings

It is permissible to reproduce a work for the purpose of judicial proceedings and of internal use by legislative or administrative organs. It is be permissible to reproduce works for submitting documents in patent examination procedure, pharmaceutical approval procedure and so on, when it is deemed to be necessary for the procedures.

(p) Exploitation for Disclosure by the Government Organizations Information Disclosure Law etc. (Art. 42bis)

For the purpose of offering to or making available to the purpose of a work in accordance with the provisions of the government Organizations Information Disclosure Law, it is permissible to exploit for the head of government, organizations, independent administrative organizations, etc.

(q) Exploitation by means of translation, adaptation, etc. (Art.43)

In cases the above exploitations, except for (l) and (m), are permitted, adaptations such as translation are also permitted to a limited extent.

(r) Technically necessary recordings by broadcasting organizations, etc. (Art.44)

Broadcasting organizations may make ephemeral sound or visual recordings of a work for the purpose of their own broadcasts and by the means of their own facilities or facilities of other broadcasting organizations.

(s) Exhibition of originals of artistic or photographic works by the owners (Art.45)

The original of an artistic work or a photographic work may be publicly exhibited by its owners or with his authorization.

(t) Exploitation of artistic works located in open places (Art.46)

It is permissible to exploit artistic works permanently located in some open places by any means with some exceptions.

(u) Reproduction in pamphlets for exhibitions of artistic or photographic works (Art.47)

A person who lawfully exhibits publicly the originals of artistic works or photographic works may reproduce such works in pamphlets for the purpose of explaining or introducing them to spectators.

(v) Reproduction of artistic work etc. for offering transfer of ownership etc. (Art.47bis)

It is permissible to reproduce originals or copies of artistic or phonographic works, or make public transmissions for the purpose of offering transfer of ownership or lending.

(w) Reproduction and adaptation by the owner of a copy of a computer program (Art.47ter)

The owner of a copy of a computer program may make copies or adaptations of it to the extent deemed necessary for the purpose of exploiting that work on a computer by himself.

(x) Temporary reproduction for repair or maintenance of machines (Art.47quater)

Temporal reproduction of the data recorded in internal media for the purpose of repair or maintenance of machines is permissible, on condition that the reproduction will be discarded after the repair or maintenance.

(y) Reproduction for preventing transmission faults due to errors.

Reproduction by the persons who engaged in server maintenance for ISP is permissible for the purpose of as follows;

- <1> preventing the delayed transmission by a lot of access (mirroring)
- <2> restoration in case of the server error (back up)
- <3> making transmissions more efficient (caching)

(z) Reproduction to implement Internet search services (Art.47sexies)

Reproduction or making public transmission by the persons who engaged in service for searching information on the Internet is partly permissible without being aware of making it transmission illegal

(A) Reproduction etc. for analyzing information (Art.47septies)

It is permissible to reproduce or adapt for analyzing information by use of computer

(B) Reproduction required in using a computer (Art.47octies)

It is permissible to reproduce work which is used on a computer when it is required in the information processing

V. MEASURES AGAINST INFRINGEMENT

Civil and criminal remedies are provided for in the Copyright Law as well as other relevant legislations as follows.

1. Civil Remedies

(1) General Provisions for Civil Remedies (Civil Code)

- (a) compensation for damages caused by unlawful acts

(2) Special Provisions for Copyright (Copyright Law)

presumption of the amount of damages :

- (a)
 - <1> the amount obtained by multiplying the number of objects so transferred or the number of copies made of works or performances, etc. as result of reception by the public of such transmission, by the amount of profit per unit from such sale of objects as the owner of copyright, etc. could make if there was no such infringement, can be considered as equivalent to the amount of damages suffered by such owner
 - <2> the profits obtained by the infringer is presumed to be the amount of the damage ; and
 - <3> the amount of the damage can be fixed considering party-and-party specific circumstances
- (b) if the other party denies the actuality of objects which the author, the

performer or the owner of copyright, right of publication or neighboring rights claims as those constituting such infringement or those made by an act of infringement, such party shall clarify the actuality of his acts

- (c) system to enable the court to order the defendant to prepare and submit all necessary information and documents in order to identify the act of infringement or the amount of the damage
- (d) the duty of the parties concerned to cooperate for authentication
- (e) recovery of honour
- (f) protection of the moral interests after the author's death
- (g) special provisions for joint works
- (h) special provisions for anonymous or pseudonymous works

2. Criminal Remedies

(1) Copyright Law

- (a) imprisonment up to 10 years or fine up to 10 million yen, or both will be charged to:
penal sanctions against ordinary infringements (exempt reproduction for private use and exempt acts considered to be infringement (Art.113)): only upon the complaint of the injured person
- (b) imprisonment up to 5 years, fine up to 5 million yen will be charged to:
 - infringement of moral rights of authors and performers
 - importation for distribution of goods made by an act infringing copyright, right of publication and neighboring rights, distribution or possession for distribution of them by a person who is aware of such infringement exportation or possession for exportation of them repeatedly
 - the act of using illegal copies of computer program on a computer:
 - providing automatic reproducing machines to the public for profit-making
- (c) others
 - <1> fine up to 5 million yen will be charged to:
 - infringement of moral rights after the author's death
 - <2> imprisonment up to 3 years or fine up to 3 million yen, or both will be charged to:
 - transferring to the public the ownership of, and manufacture, etc. of, a device having a principal function for the circumvention of technological protection measures
 - removing or altering intentionally rights management information attached to the work etc. which identifies such as the name of the work and the rightholder:
 - <3> imprisonment up to 1 year or fine up to 1 million yen, or both will be

charged to:

- distribution of copies with false name

<4> fine up to 500 thousand yen will be charged to:

- violation of the compulsory indication of sources

<5> imprisonment up to 5 years or fine up to 5 million yen will be charged to:

- violation against obligation to keep the secret

(d) fine up to 300 million yen will be charged to the legal person in addition to the infringer

(2) Penal Code and other Criminal Legislations

(a) general provisions on procedures, etc. (including "forfeiture")

3. Acts Considered as Infringements (Copyright Law)

(a) the importation of objects into Japan for distribution which are produced by an act which would constitute an infringement if they were produced in Japan

(b) the distribution or the possession for distribution by a person who is aware of the infringement, repeated exportation or possession of exportation of objects produced by an act of infringement (the offer to distribute by the person who is aware of the infringement is also included)

(c) an act of using copies of a computer program on a computer in the conduct of business, which are produced by an act of infringement (so long as the user is aware of the infringement at the time when he has acquired an authority to use them)

(d) an act to remove or alter rights management information attached to the work etc. (which identifies such as the name of the work and the rightholder)

(e) an act of importing "Records distributed in foreign countries" (commercial musical records identical to "Records distributed in Japan" and purported for distribution solely outside Japan) into Japan for distribution in Japan, distributing them in Japan, or possessing them for the purpose of distribution in Japan by a person who is aware of such conditions, as long as such import causes damage to right owners' profit to be gained

4. Border Measures and other Preventive Measures

(1) Border Measures (Customs Tariff Law)

<1> goods shall not be imported which infringe copyright and neighboring rights etc.

<2> goods shall not be exported which infringe copyright and neighboring rights etc.

<3> the customs authorities shall confiscate and destroy such goods, or issue an order to reship to the importer

(2) Preventive Measures

Against those who infringe or are likely to infringe moral rights, copyright, right of publication, or neighboring rights, the authors as well as the owners of these rights may make a demand for cessation or prevention of such infringements.

VI. DEVELOPMENT COOPERATION PROGRAMS

The Japan Copyright Office (JCO) has been planning and carrying out the following programs with a view to contributing to the development of copyright systems in developing countries as well as to strengthening regional cooperation among Asia-Pacific countries.

(1) APACE program (1993~)

This program, which is called "APACE (Asia-Pacific Copyright Systems Enhancement) Program", started in 1993 in cooperation with WIPO, targeting Asia-Pacific countries. The APACE Program consists of the following seven activities.

(a) Annual Regional Symposium (1993~)

- 1993: in Tokyo, Japan (100 participants from 19 countries)
- 1994: in Phuket, Thailand (60 participants from 22 countries)
- 1995: in Denpasar, Indonesia (100 participants from 17 countries)
- 1996: in Chiang Mai, Thailand (60 participants from 23 countries)
- 1997: in Manila, Philippines (100 participants from 27 countries)
- 1998: in Islamabad, Pakistan (70 participants from 24 countries)
- 1999: in New Delhi, India (80 participants from 21 countries)
- 2000: in Guangzhou, China (160 participants from 24 countries)
- 2001: in Mumbai, India (80 participants from 18 countries)
- 2002: in Jakarta, Indonesia (120 participants from 23 countries)
- 2003: in New Delhi, India (100 participants from 20 countries)
- 2004: in Hangzhou, China (79 participants from 15 countries)
- 2005: in Jakarta, Indonesia (70 participants from 16 countries)
- 2006: in Vientiane, Lao PDR (60 participants from 19 countries)
- 2007: in Kathmandu, Nepal (50 participants from 16 countries)
- 2009: in Hanoi, Viet Nam (50 participants from 12 countries)

- 2010: in Colombo, Sri Lanka (40 participants from 12 countries)
- 2010: in Ulaanbaatar, Mongolia (40 participants from 15 countries)
- 2011: in Tokyo, Japan (20 participants from 19 countries)
- 2012: in Manila, Philippines (26 participants from 19 countries)
- in Ho Chi Minh City, Viet Nam (26 participants from 21 countries)

(b) Training Program in Tokyo (1994~)

- 1994: 5 trainees (from China, India, Indonesia and Mongolia)
- 1995: 4 trainees (from the Philippines, Republic of Korea, Thailand and Viet Nam)
- 1996: 5 trainees (from Bangladesh, Malaysia, Singapore, Sri Lanka and Tonga)
- 1997: 8 trainees (from Bhutan, Laos, China, Indonesia, Mongolia, Nepal, Philippines and Republic of Korea)
- 1998: 8 trainees (from Cambodia, Fiji, India, Malaysia, Pakistan, Samoa, Thailand and Viet Nam)
- 1999: 12 trainees (from Bangladesh, Bhutan, Brunei Darussalam, China, India, Indonesia, Laos, Pakistan, Papua New Guinea, Philippines, Singapore and Sri Lanka)
- 2000: 14 trainees (from Cambodia, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vanuatu and Viet Nam)
- 2001: 17 trainees (from China, Fiji, India, Indonesia, Malaysia, Mongolia, Pakistan, Philippines, Samoa and Thailand)
- 2002: 10 trainees (from Brunei Darussalam, China, Fiji, Laos, Myanmar, Nepal, Philippines, Thailand and Viet Nam)
- 2003: 12 trainees (from Brunei Darussalam, Cambodia, China, Fiji, Indonesia, Laos, Malaysia, Myanmar, Philippines, Sri Lanka, Thailand and Viet Nam)
- 2004: 9 trainees (from Bhutan, Indonesia, Islamic Republic of Iran, Mongolia, Nepal, Pakistan, Papua New Guinea, Samoa and Viet Nam)
- 2005: 9 trainees (from Bhutan, Cambodia, China, Mongolia, Malaysia, Sri Lanka and Viet Nam)
- 2006: 9 trainees (from India, Pakistan, Philippines, Thailand and Viet Nam)
- 2007: 6 trainees (from Indonesia, Malaysia, Pakistan, Philippines, Thailand and Viet Nam)
- 2008: 10 trainees (from China, Indonesia, Philippines, Thailand and Viet Nam)
- 2009: 11 trainees (from China, Indonesia, Philippines, Thailand and Viet Nam)
- 2010: 12 trainees (from China, India, Cambodia, Philippines and Thailand)
- 2012: 7 trainees (from China, Indonesia, Sri Lanka and Thailand)
- 12 trainees (from Bangladesh, China, Malaysia, Nepal., Pakistan and Viet Nam)

(c) Sub-Regional Seminar (1995~)

- 1995: in Suva, Fiji (30 participants from 12 countries)
- 1997: in Nuku'alofa, Tonga (30 participants from 10 countries)
- 1998: in Apia, Samoa (80 participants from 13 countries)
- 2000: in Apia, Samoa (50 participants from 13 countries)

(d) Experts Missions (1999~)

- 1999: Philippines and Viet Nam
- 2000: Samoa and Sri Lanka
- 2001: Mongolia
- 2002: Fiji
- 2003: Indonesia, Mongolia and Viet Nam
- 2004: Sri Lanka
- 2005: Sri Lanka
- 2007: Pakistan
- 2008: Sri Lanka

(e) Training on Collective Management (2000~)

- 2000: 1 trainee (from Philippines)
- 2001: 4 trainees (from Indonesia and Mongolia)
- 2002: 10 trainees (from Fiji, Sri Lanka, Viet Nam, Bhutan, China and Philippines)
- 2003: 10 Trainees (from Bangladesh, Bhutan, Brunei Darussalam, Cambodia, Laos, Myanmar, Nepal and Viet Nam)
- 2004: 9 trainees (from India, Iran, Fiji, Papua New Guinea, Mongolia, Nepal and Sri Lanka)
- 2005: 8 trainees (from India, Indonesia, Malaysia and Sri Lanka)
- 2006: 8 trainees (from Indonesia and Mongolia)
- 2007: 8 trainees (from China and Philippines)
- 2008: 8 trainees (from Cambodia and Sri Lanka)
- 2009: 5 trainees (from Thailand)
- 2010: 8 trainees (from Nepal and Viet Nam)
- 2011: 6 trainees (from Brunei Darussalam, Fiji and Malaysia)
- 2012: 6 trainees (from India, Mongolia and Sri Lanka)

(f) National Seminar on Copyright and Related Rights (2000~)

2000: Nepal, Samoa and Sri Lanka

2001: Indonesia and Mongolia

2002: Fiji

2003: Mongolia and Nepal

2004: Sri Lanka and Viet Nam

2005: Mongolia and Myanmar

2006: Myanmar

2007: Cambodia and Pakistan

2008: Indonesia, Samoa, Sri Lanka, Tonga, Papua New Guinea and Viet Nam

2009: Laos

2010: Thailand, Nepal and Viet Nam

2011: Laos

2012: Indonesia Thailand

(g) National Workshop for the Production of a Handbook on Copyright (2011~)

2011: Nepal

2012: Viet Nam

(h) Sub-Regional Roundtable (2003~)

2003: in Singapore, 9 Participants (from China, Fiji, Indonesia, Malaysia, Mongolia, Philippines, Thailand and Viet Nam)

2005: in Viet Nam, 5 participants (from Bangladesh, China, India, Malaysia and Philippines)

2006: in Sri Lanka, 6 participants (from Bhutan, India, Nepal and Pakistan)

- 2007: in Bhutan, 8 participants (from Afghanistan, Brunei Darussalam, Cambodia, Laos, Myanmar, Pakistan, Samoa and Sri Lanka)
- 2008: in Malaysia, 15 participants (from Bangladesh, China, India, Indonesia, Pakistan, Philippines, Republic of Korea, Singapore, Thailand and Viet Nam)
- 2009: in Fiji, 16 participants (from Bangladesh, Cambodia, Cook Islands, Fiji, Laos, Marshall Island, Federated States of Micronesia, Nauru, Nepal, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu)
- 2010: in Indonesia, 16 participants (from Bangladesh, Cambodia, India, Malaysia, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam)
- 2011: in Samoa, 40 participants (from the various government and non-government agencies as well as stakeholders)

(i) WIPO-CISAC Regional Training Course on Collective Management

- 2004: in Malaysia, 13 participants (from Brunei Darussalam, Cambodia, Fiji, Indonesia, Islamic Republic of Iran, Laos, Mongolia, Nepal, Papua New Guinea, Philippines, Sri Lanka, Thailand and Viet Nam)

(j) Research Project

Brunei Darussalam: Study on the Economic Contribution of Copyright-Based Industries to the National Economy

Malaysia: Study on the Economic Contribution of Copyright-Based Industries to the National Economy

Philippines: Study on the Economic Contribution of Copyright-Based Industries to the National Economy

(2) Asian Copyright Experts Invitation Program (1996~)

This program invites each year high officials in charge of copyright from governments of Asian countries. Lecture and discussion meetings are organized, inviting Japanese experts, to share information and learn from each other. The guests have been invited from the following countries.

1996: Thailand

1997: Republic of Korea

1998: Hong Kong

1999: Singapore

2000: China

2002: China

2003: China

(3) Asia-Pacific Copyright and Neighboring Rights Seminar (1997~)

This program provides participating copyright experts of Asia-Pacific countries with opportunities to exchange information and viewpoints as well as to discuss possible regional common positions and/or actions in the future. The title was changed to 'Asian Copyright Conference' in 2010.

1997: in Yokohama (40 participants from 7 countries)

1998: in Tokyo (80 participants from 14 countries and 3 NGOs)

1999: in Tokyo (80 participants from 26 countries and 3 NGOs)

2000: in Tokyo (100 participants from 25 countries and 3 NGOs)

2001: in Tokyo (110 participants from APEC members)

2002: in Tokyo (90 participants from 25 countries and 3 NGOs)

2003: in Tokyo (90 participants from ASEAN+3 members)

2004: in Tokyo (90 participants from ASEAN+3 members)

2005: in Tokyo (100 participants from ASEAN+3 members)

2006: in Tokyo (100 participants from ASEAN+3 members)

2007: in Tokyo (80 participants from ASEAN+3 members and Mongolia)

2008: in Tokyo (90 participants from 13 countries)

2009: in Tokyo (80 participants from 9 countries)

2010: in Tokyo (110 participants from 5 countries)

2011: in Tokyo (100 participants from 5 countries)

(4) JICA Group Training Course (1999~)

This training course started in 1999 in cooperation with JICA (Japan International Cooperation Agency), to contribute to the development of copyright systems for non-Asian countries.

1999: 7 trainees (from Chile, Colombia, Costa Rica, Kenya, Papua New Guinea, Samoa and Zambia)

- 1999: 7 trainees (from Fiji, Kiribati, Palau, Palestine, Papua New Guinea(2) and Tonga)
- 2000: 7 trainees (from Colombia, Kenya, Moldova, Papua New Guinea, Peru, Saudi Arabia and Solomon Islands)
- 2001: 7 trainees (from Ghana, Kenya, Panama, Papua New Guinea, Peru, Saudi Arabia and Vanuatu)
- 2002: 7 trainees (from Cambodia, China, Kenya, Malawi, Nepal, Saudi Arabia and Viet Nam)
- 2003: 6 trainees (from Bhutan, Fiji, Indonesia, Myanmar, Panama and Zambia)
- 2004: 7 trainees (from China, Fiji, Ghana, Malaysia, Panama, Thailand and Zambia)
- 2005: 7 trainees (from China, Colombia, Indonesia, Malawi, Panama, Peru and Thailand)
- 2006: 6 trainees (from Bangladesh, China, Indonesia, Mexico, Myanmar and Panama)
- 2007: 6 trainees (from Chile, Indonesia, Myanmar, Philippines, St. Vincent and the Grenadines and Thailand)
- 2008: 8 trainees (from China, Indonesia, Kazakhstan, Philippines, Thailand and Viet Nam)
- 2009: 7 trainees (from China, Indonesia, Philippines, Thailand and Viet Nam)
- 2010: 5 trainees (from China, Indonesia, Philippines and Viet Nam)

VII. NON-GOVERNMENTAL ORGANIZATIONS

(1) Major NGOs related to Copyright and Neighboring Rights

<General>

(a) Copyright Research and Information Center (CRIC)

Shinjuku Front Tower 32F, 2-21-1, Kita-shinjuku, Shinjuku-ku, Tokyo 169-0074;
Tel.+81-3-5348-6030 Fax.+81-3-5348-6200

CRIC is a voluntary non-profit-making organization established in 1959. It is the only organization in Japan that carries out research and information services in all areas of copyright issues, and its membership covers almost all major copyright organizations/societies in Japan such as JASRAC, GEIDANKYO, JBA, RIAJ, etc. Its activities have been developing nationally and internationally, and the following are the major areas and examples.

A. Conferences and Seminars

- Monthly seminars on copyright and neighboring rights
- Conference on Copyright for Digital Millennium (CCD)

B. International Cooperation

- Organization of APACE Training Program in Tokyo

C. Publication and Information Services

- "Copyright System in Japan", "Copyright Law of Japan", etc.
- Monthly journal: "Copyright"

D. Counseling on Copyright and Neighboring Rights

(b) Japan Reproduction Rights Center (JRRC) [management business operator]

Daiichi Aoyama Building 3F, 3-3-7, Kita Aoyama, Minato-ku, Tokyo 107-0061;
Tel.+81-3-3401-2382 Fax.+81-3-3401-2386

The JRRC is a voluntary non-profit-making organization established in 1991 in order to conduct collective management of the right of reprographic reproduction.

At present, the members of the JRRC are "The Japan Writers' Association (Nihon Bungeika Kyokai)", "Writers Guild of Japan (Nihon Kyakuhonka Renmei)", "Japan Writers Guild (Nihon Shinario-sakka Kyokai)", "Japan Artists' Association", "Japan Photographic Copyright Association", "Japan Publishers Copyright Organization", "Japan Academic Association for Copyright Clearance", "The Copyright Council of Newspaper Publishers", etc. and they entrust their rights of reprographic reproduction to the Center.

<Literary Work>

(c) The Japan Writers' Association (Nihon Bungeika Kyokai) [management business operator]

Shinkan 5F, Bungei-Shunju Building, 3-23, Kioi-Cho, Chiyoda-ku, Tokyo 102-8559;
Tel.+81-3-3265-9658 Fax.+81-3- 5213-5672

The Japan Writer's Association is a voluntary non-profit-making organization established in 1939 by authors of literary works in order to protect copyright of their works and to facilitate their fair exploitation. The Federation was registered with the Agency for Cultural Affairs to conduct collective management for novels and started it in 1968.

(d) Writers Guild of Japan (WGJ) (Nihon Kyakuhonka Renmei) [management business operator]

Roppongi Denki Building 3F, 6-1-20, Roppongi, Minato-ku, Tokyo 106-0032;
Tel.+81-3-3401-2304 Fax.+81-3-3401-7255

Writers Guild of Japan is a cooperative society established in 1966 in order to promote welfare of writers who are engaged in writing scenarios for broadcasting, films and other audio-visual works, as well as to promote their economic positions.

This Guild is licensed to conduct collective management for dramas.

(e) Japan Writers Guild (Nihon Shinario-sakka Kyokai) [management business operator]

Shinario Kaikan, 5-4-16, Akasaka, Minato-ku, Tokyo 107-0052;
Tel.+81-3-3584-1901 Fax.+81-3-3584-1902

Japan Writers Guild is a cooperative society established in 1965 in order to protect the rights of dramatists including copyright. This Guild is licensed as to conduct collective management for dramas.

(f) Japan Book Publishers Association (JBPA)

6, Fukuro-Machi, Shinjuku-ku, Tokyo 162-0828;
Tel.+81-3-3268-1302 Fax.+81-3-3268-1196

The JBPA is a voluntary non-profit-making organization established in 1965 in order to promote cooperation among book publishers in Japan.

(g) Japan Magazine Publishers Association (JMPA).

1-7, Kanda-Surugadai, Chiyoda-ku, Tokyo 101-0062;
Tel.+81-3-3291-0775 Fax.+81-3-3293-6239

The JMPA is a voluntary non-profit-making organization established in 1956 in order to establish magazine moral, and to rationalize and reform trade transaction.

<Visual Work>

(h) The Japan Art, Photograph and Graphic Design Copyright Organization (APG-Japan)

Japan Artists' Center Building, 3-10-19, Ginza, Chuo-ku, Tokyo 104-0061;
Tel.+81-3-3546-6555 Fax.+81-3-3546-6555

The APG-Japan is a voluntary non-profit-making organization established in 1995 in order to conduct collective management of copyright in the near future with respect to art, photograph and graphic design collectively in cooperation with the following member organizations as well as to provide copyright information concerned.

Japan Artists' Association, Inc.

Japan Artists' Center Building, 3-10-19, Ginza, Chuo-ku, Tokyo 104-0061;
Tel.+81-3-3542-2581 Fax.+81-3-3545-8429

Japanese Society for Protecting Artists' Rights (JASPAR)

BIJUTSUKA KAIKAN #604, 10-19, Ginza, Chuo-ku, Tokyo 104-0061;
Tel.+81-3-6226-5951 Fax.+81-3-6226-5952

Japan Photographic Copyright Association (JPCA)

JCII Building 3F, 25, Ichiban-cho, Chiyoda-ku, Tokyo 102-0082;
Tel.+81-3-3221-6655 Fax.+81-3-3221-6655

Japan Graphic Designers Association, Inc. (JAGDA)

Midtown Tower 5F, 9-7-1, Akasaka, Minato-ku, Tokyo 107-6205;
Tel.+81-3-5770-7509 Fax.+81-3-3479-7509

(i) Directors Guild of Japan

Shibuya Goto Building 5F, 3-2, Maruyama-cho, Shibuya-ku, Tokyo 150-0044;
Tel.+81-3-3461-4411 Fax.+81-3-3461-4457

The Directors Guild of Japan is a cooperative society established in 1936 by directors of motion pictures in order to promote welfare of its members as well as to promote their

economic positions, aiming further development of motion pictures.

(j) Motion Picture Producers Association of Japan, Inc.

Nihonbashi Building 2F, 1-17-12, Nihonbashi, Chuo-ku, Tokyo 103-0027;
Tel. +81-3-3243-9100 Fax. +81-3-3243-9101

The Motion Picture Producers Association of Japan is a voluntary non-profit-making organization established in 1945 in order to diffuse motion pictures and to develop the relevant industries through research, communication, commendation, etc.

(k) Japan Association of Audiovisual Producers, Inc.

Towa Nihonbashi Koami-cho Building 7F, 17-18, Nihonbashi-Koami-cho, Chuo-ku, Tokyo 103-0016;
Tel. +81-3-3662-0236 Fax.+81-3-3662-0238

The Japan Association of Audiovisual Producers, Inc. is a non-profit-making organization established in 1957 in order to improve project of film produce and to research its technics.

(l) Japan Video Software Association (JVA)

26 Tsukiji-MF Building 3F, 2-12-10, Tsukiji, Chuo-ku, Tokyo 104-0045;
Tel.+81-3-3542-4433 Fax.+81-3-3542-2535

The JVA is a voluntary non-profit-making organization established in 1978 in order to diffuse video works and to develop video-related industries through research and standard setting, etc. "Software" in its name does not mean computer programs but "works"; or "contents" of videos.

(m) Society for the Administration of Remuneration for Video Home Recording (SARVH) [designated association]

Akasaka Mitsuji Building 6F, 5-4-6, Akasaka, Minato-ku, Tokyo 107-0052;
Tel.+81-3-3560-3107 Fax.+81-3-5570-2560

SARVH is a voluntary non-profit-making organization to collect and distribute remuneration for digital video home recording for the sake of copyright owners, performers and producers of phonograms.

This society, having been designated by the Commissioner of the Agency for Cultural Affairs, exclusively exercises the rights to compensation for digital video home recording.

<Musical/Audio Works>

(n) Japanese Society for Rights of Authors, Composers and Publishers (JASRAC)[management business operator]

3-6-12, Uehara, Shibuya-ku, Tokyo 151-8540;
Tel. +81-3-3481-2121 Fax. +81-3-3481-2150

JASRAC is a voluntary non-profit-making organization established in 1939 in order to protect copyright of musical works and to facilitate fair exploitation of such works. It is a musical copyright clearance organization in Japan and is registered with the Agency for Cultural Affairs to conduct collective management. Almost all Japanese musical authors and composers of musical works entrust their rights to JASRAC directly or through musical publishers.

JASRAC administers copyrights of foreign musical works under contracts with 108 organizations which are entrusted with performing rights in 91 countries and regions and with 82 organizations which are entrusted with mechanical rights in 68 countries and regions.

JASRAC is a member of CISAC (International Confederation of Societies of Authors and Composers) and BIEM (International Bureau of the Music-mechanical Edition) and mutually exchanges information on the protection of copyright with other members of such international organizations.

(o) Music Publishers Association of Japan (MPA)

Da Vinci Minamiaoyama 3F, 2-31-8, Minami-Aoyama, Minato-ku, Tokyo 107-0062;
Tel. +81-3-3403-9141 Fax. +81-3-3403-9140

The MPA is a voluntary non-profit-making organization established in 1980 in order to develop the industry of music publishing, which exploits domestic and overseas musical works, and to develop harmony among music publishers.

(p) The Federation of Music Producers Japan (FMP)

Jingu-mae Wada Building 2F, 5-48-1, Jingu-mae, Shibuya-ku, Tokyo 150-0001;
Tel. +81-3-5467-6851 Fax. +81-3-5467-6852

The Federation of Music Producers Japan is a voluntary non-profit-making organization established in 1989 in order to improve music management businesses, and to protect artists and producers as the beneficiaries of neighboring rights.

(q) Society for the Administration of Remuneration for Audio Home Recording (sarah)[designated association]

Kojimachi YK Building 2F, 1-8-14, Kojimachi, Chiyoda-ku, Tokyo 102-0083;
Tel. +81-3-3261-3444 Fax. +81-3-3261-3447

SARAH is a voluntary non-profit-making organization established in 1993 in order to collect and distribute remuneration for digital audio home recording for the sake of copyright owners, performers and producers of phonograms.

This society, having been designated by the Commissioner of the ACA, exclusively exercises the rights to compensation for digital audio home recording.

<Computer Program>

(r) Association of Copyright for Computer Software (ACCS)

Tomonari Foresight Building 5F, 5-40-18, Otsuka, Bunkyo-ku, Tokyo 112-0012;
Tel. +81-3-5976-5175 Fax. +81-3-5976-5177

ACCS is a voluntary non-profit-making organization established in 1991. ACCS is to protect the rights of copyright owners of computer programs and to undertake educational activities for public awareness of copyright.

(s) Software Information Center (SOFTIC)

Toto Building 4F, 5-1-4, Toranomom, Minato-ku, Tokyo 105-0001;
Tel. +81-3-3437-3071 Fax. +81-3-3437-3398

SOFTIC is a voluntary non-profit-making organization established in 1986.

The Center is the organization designated by the Commissioner of the ACA to register computer programs pursuant to the Law on Exceptional Provisions for the Registration of Program Works. The Center accordingly registers computer programs and promotes awareness of this registration system.

The Center is also to promote research on distribution of computer programs and on legal protection of computer programs.

<Performance>

(t) Japan Council of Performers' Organizations (GEIDANKYO)[designated association / management business operator]

Tokyo Opera City Tower 11F, Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-1466;
Tel. +81-3-5353-6600 Fax. +81-3-5353-6614

GEIDANKYO is a voluntary non-profit-making organization established in 1967 in order to facilitate the activities of its members organizations of performers by promoting collective activities and professional training. The basic objective of the society is to improve the economic status of performers by the betterment of their working conditions.

In conformity with the Copyright Law, GEIDANKYO, having been designated as the sole collecting society by the Commissioner of the ACA, collects secondary use fees from broadcasters and wire diffusers as well as the remuneration from record rental business who offer commercial phonograms to the public by rental.

In 1993, GEIDANKYO has established Center for Performers' Rights Administration (CPRA) as an internal system for the administration of above-mentioned rights and neighboring rights of performers.

<Phonogram>

(u) Recording Industry Association of Japan (RIAJ)[designated association / management business operator]

Kyodo Tsushin Kaikan 9F, 2-2-5, Toranomom, Minato-ku, Tokyo 105-0001;
Tel. +81-3-5575-1304 Fax. +81-3-5575-1313

The RIAJ is a voluntary non-profit-making organization established in 1942 in order to promote the cooperation of phonogram producing industries in Japan, and to facilitate the diffusion of good phonograms and fair utilization of phonograms.

In conformity with the Copyright Law, this Association, having been designated as the sole collecting society by the Commissioner of the ACA, collects the secondary use fees from broadcasters and wire diffusers as well as the remuneration from record rental business who offer commercial phonograms to the public by rental.

<Broadcasting>

(v) Japan Commercial Broadcasters Association (JBA)

Bungei-Shunju Building, 3-23, Kioi-cho, Chiyoda-ku, Tokyo 102-8577;
Tel. +81-3-5213-7717 Fax. +81-3-5213-7714

The NAB is a voluntary non-profit-making organization established in 1952 in order to facilitate communications among its members (at present 202 companies) and to deal with their common problems. The Copyright Department of the society handles copyright affairs.