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Copyright

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Contents

NATIONAL LEGISLATION

JAPAN

Copyright Law

(No. 48, of 1970) *

The Copyright Law (Law No. 39, of 1899) shall be amended in its entirety as follows:

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* This Law was promulgated on May 6, 1970, and came into force on January 1, 1971. English translation communicated to WIPO by courtesy of the Cnltural Affairs Department, Copyright Division, of Japan.

CHAPTER I

General Provisions

Section 1. — General Rules

Purpose

Article 1. — The purpose of this Law is, by providing for the rights of authors with respect to their works as well as for the rights of performers, producers of phonograms and broadcasting organizations with respect to their performances, phonograms and broadcasts, to secure the protection of the rights of authors, etc. having regard to a just and fair exploitation of these cultural products, and thereby to contribute to the development of culture.

Definitions

Article 2. — (1) In this Law, the following terms shall have the meaning hereby assigned to them respectively:

(i) " work " means a production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain;

(ii) " author " means a person who creates a work;

(iii) " performance " means the acting on stage, dancing, musical playing, singing, delivering, declaiming or performing in other ways of a work, and includes similar acts not involving the performance of a work which have the nature of public entertainment;

(iv) " performers " mean actors, dancers, musicians, singers and other persons who give a performance as well as those who conduct or direct a performance;

(v) " phonograms " mean fixations of sounds on phonographic discs, recording-tapes and other material forms, excluding those intended for use exclusively with images;

(vi) " producers of phonograms " mean those who first fix the sounds on phonograms;

(vii) " commercial phonograms " mean copies of phonograms made for commercial purposes;

(viii) " broadcasting " means the transmission of radio communication intended for direct reception by the public;

(ix) " broadcasting organizations " mean those who engage in the broadcasting business;

(x) " makers of cinematographic works " mean those who take the initiative in, and the responsibility for, the making of a cinematographic work;

(xi) " derivative work " means a work created by translating, arranging musically, transforming, dramatizing, cinematizing, or otherwise adapting a pre-existing work;

(xii) " joint work " means a work created by two or more persons in which the contribution of each person cannot be separately exploited;

(xiii) " sound recording " means the fixation of sounds on some material forms and the multiplication of such fixation;

(xiv) " visual recording " means the fixation of a sequence of images on some material forms and the multiplication of such fixation;

(xv) " reproduction " means the reproduction in a tangible form by means of printing, photography, polygraphy, sound or visual recording or otherwise; and

(a) in the case of dramas and other similar dramatic works, it includes sound and visual recording of the actings or broadcasts of these works; and

(b) in the case of architectural works, it includes the construction of an architectural work according to its plan;

(xvi) " acting " means the performance of works by means other than musical playing ("musical playing" includes singing; the same shall apply hereinafter) *;

(xvii) " diffusion by wire " means the transmission of wire-telecommunication intended for direct reception by the public, excluding the transmission by wire-telecommunication installations one part of which is located on the same premises where the other part is located or, if the premises are occupied by two or more persons, both parts of which are located within the area therein occupied by one person;

(xviii) " recitation " means the oral communication by means of reading or otherwise, not falling within the term " performance ";

(xix) " cinematographic presentation " means the projection of a cinematographic work on the screen or other material forms, and includes the intangible reproduction of sounds fixed in that cinematographic work accompanied with its projection;

(xx) " distribution " means the transfer and lending of copies of a work to the public, whether with or without payment, and in the case of a cinematographic work or a work reproduced therein, it includes the transfer and lending of copies of such work for the purpose of making the cinematographic work available to the public;

(xxi) " this country " means the jurisdiction in which this Law is effective.

* In this translation, the terms " acting " and " musical playing " do not appear hereinafter because they are covered by the term " performance ".

(2) As used in this Law, " artistic work " includes a work of artistic craftsmanship.

(3) As used in this Law, " cinematographic work " includes a work expressed by a process producing visual or audio-visual effects analogous to those of cinematography and fixed in some material form.

(4) As used in this Law, " photographic work " includes a work expressed by a process analogous to photography.

(5) As used in this Law, " the public " includes a large number of specific persons.

(6) As used in this Law, " legal person " includes non-juridical associations or foundations having representatives or administrators.

(7) In this Law, " performance " and " recitation " include the performance or recitation of a work by means of sound or visual recordings, not falling within the term " broadcasting ", " diffusion by wire " or " cinematographic presentation ", and " performance ", " recitation " and " cinematographic presentation " include the communication by means of telecommunication installations of performances, recitations or cinematographic presentations of works, not falling within the term " broadcasting " or " diffusion by wire ".

(8) In this Law, the meanings assigned to the terms defined in paragraph (1), items (viii) and (xiii) to (xx) and the preceding paragraph shall also apply to their variant forms, as the case may be.

Publishing of works

Article 3. — (1) A work has been " published " when copies of the work have been reproduced and distributed by a person who has the right mentioned in Article 21 or with the authorization of such person (" authorization " means the authorization to exploit a work under the provision of Article 63, paragraph (1); the same shall apply hereinafter in this and the next Chapter, except that Article) or by a person in favour of whom the right of publication mentioned in Article 79 has been established, in such sufficient quantities as satisfy the reasonable requirements of the public, having regard to the nature of the work (in the case of cinematographic works, without prejudice to the right of a person who has the right mentioned in Article 26).

(2) A work shall be considered as having been " published " when copies of its translation have been reproduced and distributed, in such quantities as provided for in the preceding paragraph, by a person who has the same right as that mentioned in Article 21 by virtue of the provisions of Article 28 or with the authorization of such person (in the case of cinematographic works, without prejudice to the right of a person who has the same right as that mentioned in Article 26 by virtue of the provision of Article 28).

(3) A person who would have the right mentioned in any of the preceding two paragraphs if his work were protected under this Law or a person who obtained the authorization to exploit the work from such person shall be considered to be a person who has such right or a person who obtained the authorization from such person, and these paragraphs shall apply with respect to those persons.

Making public of works

Article 4. — (1) A work has been "made public" when it has been published, or when it has been made available to the public by a person who has the rights mentioned in Articles 22 to 26 or with the authorization of such person by means of performance, broadcasting, diffusion by wire, recitation, exhibition or cinematographic presentation. In the case of architectural works, a work also has been "made public" when it has been constructed by a person who has the right mentioned in Article 21 or with the authorization of such person.

(2) A work shall be considered as having been "made public" when its translation has been made available to the public by a person who has the same rights as those mentioned in Articles 22 to 24 or Article 26 by virtue of the provision of Article 28 or with the authorization of such person by means of performance, broadcasting, diffusion by wire, recitation or cinematographic presentation.

(3) An artistic work or a photographic work is considered "made public" when it has been exhibited by such a person as mentioned in Article 45, paragraph (1) in such a manner as provided for in that paragraph.

(4) A person who would have the right mentioned in paragraph (1) or (2) of this Article if his work were protected under this Law or a person who obtained the authorization to exploit the work from such person shall be considered to be a person who has such right or a person who obtained the authorization from such person, and these paragraphs shall apply with respect to those persons.

Priority of international treaty

Article 5. — If an international treaty provides otherwise with respect to the rights of authors, the provisions thereof shall prevail.

Section 2. — Scope of application

Works

Article 6. — The following shall be granted protection under this Law:

(i) works of Japanese nationals ("Japanese nationals" include legal persons established under the Japanese law and those who have their principal offices in this country; the same shall apply hereinafter);

(ii) works first published in this country, including those first published abroad and published in this country within thirty days of that first publication;

(iii) works not falling within those mentioned in the preceding two items, to which Japan has the obligation to grant protection under an international treaty.

Performances

Article 7. — The following shall be granted protection under this Law:

(i) performances which take place in this country;

(ii) performances fixed in the phonograms mentioned in each item of the next Article;

(iii) performances transmitted in the broadcasts mentioned in each item of Article 9, excluding those incorporated in sound or visual recordings before the broadcasting with the authorization of the performers.

Phonograms

Article 8. — The following shall be granted protection under this Law:

(i) phonograms the producers of which are Japanese nationals;

(ii) phonograms composed of the sounds which were first fixed in this country.

Broadcasts

Article 9. — The following shall be granted protection under this Law:

(i) broadcasts transmitted by broadcasting organizations of Japanese nationality;

(ii) broadcasts transmitted from transmitters situated in this country.

CHAPTER II

Rights of Authors

Section 1. — Works

Classification of works

Article 10. — (1) As used in this Law, "works" shall include, in particular, the following:

(i) novels, dramas, articles, lectures and other literary works;

(ii) musical works;

(iii) choreographic works and pantomimes;

(iv) paintings, engravings, sculptures and other artistic works;

(v) architectural works;

(vi) maps as well as figurative works of a scientific nature such as plans, charts, and models;

(vii) cinematographic works;

(viii) photographic works.

(2) News of the day and miscellaneous facts having the character of mere items of information shall not fall within a term "works" mentioned in item (i) of the preceding paragraph.

Derivative works

Article 11. — The protection granted by this Law to derivative works shall not prejudice the rights of authors of pre-existing works.

Compilations

Article 12. — (1) Compilations which, by reason of the selection and arrangement of their contents, constitute intellectual creations shall be protected as independent works.

(2) The provision of the preceding paragraph shall not prejudice the rights of authors of works which form part of the said compilations.

Works not protected

Article 13. — The following shall not form the subject matter of the rights provided for in this Chapter:

(i) the Constitution and other laws and regulations;

(ii) notifications, instructions, circular notices and the like issued by organs of the State or local public entities;

(iii) judgments, decisions, orders and decrees of law courts, as well as rulings and decisions made by administrative organs in proceedings similar to judicial ones;

(iv) translations and compilations, of those materials mentioned in the preceding three items, made by organs of the State or local public entities.

Section 2. — Authors

Presumption of authorship

Article 14. — A person, whose name or appellation (hereinafter referred to as " true name "), or whose generally known pen name, abbreviation or other substitute for his true name (hereinafter referred to as " pseudonym ") is indicated as the name of the author in the customary manner on the original of his work or when his work is offered to or made available to the public, shall be presumed to be the author of that work.

Authorship of a work made under the name of a legal person, etc.

Article 15. — The authorship of a work which, on the initiative of a legal person or other employer (hereinafter in this Article referred to as " legal person, etc."), is made by his employee in the course of his duties and is made public under the name of such legal person, etc. as the author shall be attributed to that legal person, etc., unless otherwise stipulated in a contract, work regulation or the like in force at the time of the making of the work.

Authorship of a cinematographic work

Article 16. — The authorship of a cinematographic work shall be attributed to those who, by taking charge of producing, directing, filming, art direction, etc., have contributed to the creation of that work as a whole, excluding authors of novels, scenarios, music or other works adapted or reproduced in that work; provided, however, that the provision of the preceding Article is not applicable.

Section 3. — Contents of the Rights

Subsection 1. — General Rules

Rights of authors

Article 17. — (1) The author shall enjoy the rights mentioned in paragraph (1) of the next Article, Article 19, paragraph (1) and Article 20, paragraph (1) (hereinafter referred to as " moral rights ") as well as the rights mentioned in Articles 21 to 28 (hereinafter referred to as " copyright ").

(2) The enjoyment of moral rights and copyright shall not be subject to any formality.

Subsection 2. — Moral Rights

Right of making the work public

Article 18. — (1) The author shall have the right to offer to and make available to the public his work which has not yet been made public (including a work which has been made public without his consent; the same shall apply in the next paragraph). The author shall have the same right with respect to works derived from his work which has not yet been made public.

(2) In the following cases, the author shall be presumed to have consented to the following acts:

(i) where copyright in his work which has not yet been made public has been transferred: the offering to and the making available to the public of the work by exercising the copyright therein;

(ii) where the original of his artistic or photographic work which has not yet been made public has been transferred: the making available to the public of the work by exhibiting its original;

(iii) where the ownership of copyright in his cinematographic work belongs to the maker under the provision of Article 29: the offering to and the making available to the public of the work by exercising the copyright therein.

Right of determining the indication of the author's name

Article 19. — (1) The author shall have the right to determine whether his true name or pseudonym should be indicated or not as the name of the author, on the original of his work or when his work is offered to or made available to the public. The author shall have the same right with respect to the indication of his name when works derived from his work are offered to or made available to the public.

(2) In the absence of any declaration of the intention of the author to the contrary, a person using his work may indicate the name of the author in the same manner as that already adopted by the author.

(3) It shall be permissible to omit the name of the author where it is found that there is no risk of damage to the interests of the author in his claim to authorship in the light of the purpose and the manner of exploiting his work and in so far as such omission is compatible with fair practice.

Right of preserving the integrity

Article 20. — (1) The author shall have the right to preserve the integrity of his work and its title against any distortion, mutilation or other modification against his will.

(2) The provision of the preceding paragraph shall not apply to the following modifications:

(i) change of ideographs or words or other modifications deemed unavoidable for the purpose of school education in the case of the exploitation of works under the provisions of Article 33, paragraph (1) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article) and Article 34, paragraph (1);

(ii) modification of an architectural work by means of extension, rebuilding, repairing, or remodeling;

(iii) other modifications not falling within those mentioned in the preceding two items, which are deemed unavoidable in the light of the nature of a work as well as the purpose and the manner of exploitation.

Subsection 3. — Rights Comprised in Copyright

Right of reproduction

Article 21. — The author shall have the exclusive right to reproduce his work.

Right of performance

Article 22. — The author shall have the exclusive right to perform his work publicly ("publicly" means for the purpose of making a work seen or heard directly by the public; the same shall apply hereinafter).

Rights of broadcasting, diffusion by wire, etc.

Article 23. — (1) The author shall have the exclusive right to broadcast and diffuse by wire his work.

(2) The author shall have the exclusive right to communicate publicly, by means of a receiving apparatus, his work broadcast or diffused by wire.

Right of recitation

Article 24. — The author of a literary work shall have the exclusive right to recite publicly his work.

Right of exhibition

Article 25. — The author of an artistic work or of an unpublished photographic work shall have the exclusive right to exhibit publicly the original of his work.

Right of cinematographic presentation and distribution

Article 26. — (1) The author of a cinematographic work shall have the exclusive right to present publicly and distribute his work.

(2) The author of a work reproduced in a cinematographic work shall have the exclusive right to present publicly and distribute his work.

Rights of translation, adaptation, etc.

Article 27. — The author shall have the exclusive right to translate, arrange musically, transform, dramatize, cinematize, or otherwise adapt his work.

Right of the original author in the exploitation of a derivative work

Article 28. — In the exploitation of a derivative work, the author of the pre-existing work shall have the same rights as those the author of the derivative work has under this Subsection.

Subsection 4. — Ownership of Copyright in Cinematographic Works

Ownership of copyright in cinematographic works

Article 29. — (1) Copyright in a cinematographic work, to which the provisions of Article 15 and the next paragraph are not applicable, shall belong to the maker of that work, provided that the authors of the work have undertaken to participate in the making thereof.

(2) In the case of a cinematographic work which is made by a broadcasting organization alone for use exclusivcly for broadcasting purposes and to which the provision of Article 15 is not applicable, the following rights comprised in the copyright therein shall belong to that organization as the maker of cinematographic works:

(i) right to broadcast that work, and to diffuse by wire and communicate publicly by means of a receiving apparatus the work thus broadcast;

(ii) right to reproduce that work and to distribute its copies thus reproduced to other organizations.

Subsection 5. — Limitations on Copyright

Reproduction for private use

Article 30. — It shall be permissible for a user to reproduce by himself a work forming the subject matter of a copyright (hereinafter in this Subsection referred to as a "work") for the purpose of his personal use, family use or other similar uses within a limited circle.

Reproduction in libraries, etc.

Article 31. — It shall be permissible to reproduce a work included in library materials ("library materials" in this Article mean books, documents and other materials held in the collection of libraries, etc.) within the scope of the non-profit-making activities of libraries, etc. ("libraries, etc." in this Article mean libraries and other establishments, designated by Cabinet Order, having the purpose, among others, to offer library materials for the use of the public) in the following cases:

(i) where, at the request of a user and for the purpose of his own investigation or research, he is furnished with a single copy of a part of a work already made public or of all of an individual work included in a periodical already published for a considerable period of time;

(ii) where the reproduction is necessary for the purpose of preserving library materials;

(iii) where other libraries, etc. are furnished with a copy of library materials which are rarely available through normal trade channel because the materials are out of print or for other similar reasons.

Quotations

Article 32. — (1) It shall be permissible to make quotations from a work already made public, provided that their making is compatible with fair practice and their extent does not exceed that justified by purposes such as news reporting, criticism or research.

(2) It shall also be permissible for the press or other periodicals to reproduce informatory, investigatory or statistical data, reports and other works of similar character which have been prepared by organs of the State or local public entities for the purpose of public information and which have been made public under their authorship, provided that the reproduction thereof is not expressly prohibited.

Reproduction in school textbooks, etc.

Article 33. — (1) It shall be permissible to reproduce in school textbooks ("school textbooks" mean textbooks authorized by the Minister of Education or those compiled under the authorship of the Ministry of Education for the use of children or pupils in their education in primary schools, junior and senior high schools or other similar schools) works already made public, to the extent deemed necessary for the purpose of school education.

(2) A person who makes such reproduction shall be bound to inform the author thereof and to pay to the copyright owner compensation, the amount of which is fixed each year by the Commissioner of the Agency for Cultural Affairs, by taking into account the purpose of the provision of the preceding paragraph, the nature and the purpose of the work, the ordinary rate of royalty, and other conditions.

(3) The Commissioner of the Agency for Cultural Affairs shall announce in the Official Gazette the amount of compensation fixed under the provision of the preceding paragraph.

(4) The preceding three paragraphs shall apply *mutatis mutandis* with respect to the reproduction of works in textbooks intended for senior high school correspondence courses and in guidance books of school textbooks mentioned in paragraph (1) intended for teachers (these said guidance books shall be limited to those published by the same publisher of the textbooks).

Broadcasting in school education programs

Article 34. — (1) It shall be permissible to broadcast a work already made public in broadcasting programs which conform to the curriculum standards provided for in regulations on school education and to reproduce it in teaching materials for these programs, to the extent deemed necessary for the purpose of school education.

(2) A person who makes such broadcasting or reproduction shall be bound to inform the author thereof and to pay to the copyright owner a reasonable amount of compensation.

Reproduction in schools and other educational institutions

Article 35. — A person who is in charge of teaching in a school or other educational institutions established not for profit-making may reproduce a work already made public if and to the extent deemed necessary for the purpose of use in the course of teaching, provided that such reproduction does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the number of copies and the character of reproduction.

Reproduction in examination questions

Article 36. — (1) It shall be permissible to reproduce a work already made public in questions of an entrance examination or other examinations of knowledge or skill, or such examination for a license, to the extent deemed necessary for that purpose.

(2) A person who makes such reproduction for profit-making purposes shall be bound to pay to the copyright owner as compensation an amount which corresponds to an ordinary rate of royalty.

Reproduction in Braille, etc.

Article 37. — (1) It shall be permissible to reproduce in Braille for the blind a work already made public.

(2) For Braille libraries and other establishments for the promotion of the welfare of the blind, designated by Cabinet Order, it shall be permissible to make recordings of a work already made public exclusively for the purpose of lending such recordings for the use of the blind.

Performance, etc. not for profit-making

Article 38. — (1) It shall be permissible publicly to perform, recite, and present cinematographically, as well as to diffuse by wire, a work already made public for non-profit-making purposes and without charging any admission fees ("admission fees" include any kind of charge to be imposed with respect to the making available of a work to the public) to audience or spectators; provided, however, that the performers or reciters concerned are not paid any remuneration for such performance, recitation, cinematographic presentation or diffusion by wire.

(2) It shall also be permissible to communicate publicly, by means of a receiving apparatus, a work already broadcast or diffused by wire for non-profit-making purposes and without charging any admission fees to audience or spectators. The same shall apply to such public communication made by means of a receiving apparatus of a kind commonly used in private homes.

Reproduction, etc. of articles on current topics

Article 39. — (1) It shall be permissible to reproduce in the press, broadcast and diffuse by wire articles published in newspapers or periodicals on current political, economic or social topics, not having a scientific character, provided that such reproduction, broadcasting or diffnsion thereof is not expressly prohibited.

(2) It shall also be permissible to communicate publicly, by means of a receiving apparatus, articles thus broadcast or diffused by wire.

Exploitation of political speeches, etc.

Article 40. — (1) It shall be permissible to exploit, by any means, political speeches delivered in public and speeches delivered in the course of judicial proceedings (including those corresponding to judicial proceedings such as determinations by administrative agencies; the same shall apply in Article 42), except such exploitation as involves a collection of the works of a single author.

(2) It shall be permissible to reproduce in the press, broadcast and diffuse by wire speeches not falling within the preceding paragraph, which are delivered in public in organs of the State or local public entities, to the extent justified by the informatory purpose.

(3) It shall also be permissible to communicate publicly, by means of a receiving apparatus, speeches thus broadcast or diffused by wire.

Reporting of current events

Article 41. — For the purpose of reporting current events by means of photography, cinematography, broadcasting or otherwise, it shall be permissible to reproduce and exploit a work implicated in the event or a work seen or heard in the course of the event, to the extent justified by the informatory purpose.

Reproduction for judicial proceedings, etc.

Article 42. — It shall be permissible to reproduce a work if and to the extent deemed necessary for the purpose of judicial proceedings and of internal use in legislative or administrative organs, provided that such reproduction does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the number of copies and the character of reproduction.

Exploitation by means of translation, adaptation, etc.

Article 43. — The exploitation of works permitted under the provisions mentioned below shall include that made by the following means:

(i) Article 30, and Articles 33 to 35: translation, musical arrangement, transformation, and adaptation;

(ii) Article 31, item (i), Articles 32, 36 and 37, Article 39, paragraph (1), Article 40, paragraph (2) and the preceding two Articles: translation.

Ephemeral recordings by broadcasting organizations

Article 44. — (1) Broadcasting organizations may make ephemeral sound or visual recordings of a work which they are in a position to broadcast, without prejudice to the right of the author mentioned in Article 23, paragraph (1), for the purpose of their own broadcasts and by the means of their own facilities or facilities of other broadcasting organizations which are in a position to broadcast the same work.

(2) It shall not be permissible to preserve such ephemeral recordings for a period exceeding six months after their making or, if the recordings are broadcast within this period, for a period exceeding six months after that broadcasting; provided, however, that such preservation is permitted if the preservation in official archives is authorized by Cabinet Order.

Exhibition of an artistic work, etc. by the owner of the original thereof

Article 45. — (1) The original of an artistic work or a photographic work may be publicly exhibited by its owner or with his authorization.

(2) The provision of the preceding paragraph shall not apply with respect to the permanent location of the original of an artistic work in open places accessible to the public, such as streets and parks, or at places easily seen by the public, such as the outer walls of buildings.

Exploitation of an artistic work located in open places

Article 46. — It shall be permissible to exploit artistic works permanently located in open places as mentioned in paragraph (2) of the preceding Article and architectural works by any means not falling within any of the following items:

(i) multiplication of a sculpture;

(ii) imitative reproduction of an architectural work;

(iii) reproduction of a work for the purpose of locating it permanently in open places as mentioned in paragraph (2) of the preceding Article;

(iv) reproduction of an artistic work exclusively for the purpose of selling its copies.

Reproduction required for an exhibition of artistic works, etc.

Article 47. — A person who, without prejudice to the right of the author mentioned in Article 25, 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.

Indication of sources

Article 48. — (1) In any of the following cases, the source must be clearly indicated in the manner and to the extent deemed reasonable by the character of the reproduction or exploitation:

(i) where reproduction is made of works in accordance with the provisions of Article 32 and Article 33, paragraph (1) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article) as well as Articles 37 and 42 and the preceding Article;

(ii) where exploitation is made of works in accordance with the provisions of Article 34, paragraph (1), Article 39, paragraph (1) and Article 40, paragraphs (1) and (2);

(iii) where exploitation, other than reproduction, is made of works in accordance with the provision of Article 32, and where exploitation is made of works in accordance with the provisions of Article 35, Article 36, paragraph (1), Article 38, paragraph (1) and Articles 41 and 46, provided that standard practice so requires.

(2) When indicating the source under the preceding paragraph, mention must be made of the name of the author if it appears on a work, except in the case where such indication identifies the author or the work is anonymous.

(3) Where exploitation is made of works by translating, arranging musically, transforming or adapting them in accordance with the provision of Article 43, mention must also be made of the source according to the provisions of the preceding two paragraphs.

Uses, etc. of copies for other purposes

Article 49. — (1) The following acts shall be considered to constitute the reproduction described in Article 21:

(i) the distribution of reproductions of works made in accordance with the provisions of Article 30, Article 31, item (i), Article 35, Article 37, paragraph (2), as well as Articles 41 and 42 and Article 44, paragraph (1), and

the making available to the public of works by the use of these reproductions, for purposes other than those mentioned in these provisions;

(ii) the preservation by broadcasting organizations of ephemeral recordings in violation of the provision of Article 44, paragraph (2).

(2) The distribution of reproductions of derivative works made in accordance with the provisions of each item of Article 43 and the making available to the public of these works by the use of these reproductions, for purposes other than those mentioned in Article 30, Article 31, item (i), Article 35, Article 37, paragraph (2), and Articles 41 and 42 shall be considered to constitute the translation, musical arrangement, transformation, or adaptation described in Article 27.

Relationship with moral rights

Article 50. — No provisions of this Subsection may be interpreted as affecting the protection of the moral rights of an author.

Section 4. — Term of Protection

In general

Article 51. — (1) The duration of copyright shall begin with the creation of the work.

(2) Copyright shall continue to subsist until the end of a period of fifty years following the death of the author (or following the death of the last surviving co-author in the case of a joint work; the same shall apply in paragraph (1) of the next Article), unless otherwise provided in this Section.

Anonymous and pseudonymous works

Article 52. — (1) Copyright in anonymous and pseudonymous works shall continue to subsist until the end of a period of fifty years following the making public of the work, provided that a copyright subsisting in such work, the author of which is presumed to have been dead for fifty years, shall be considered expired as of the time dated from when the author is so presumed to have died.

(2) The provision of the preceding paragraph shall not apply in any of the following cases:

(i) where the pseudonym adopted by the author is generally known as that of his own;

(ii) where, within the period mentioned in the preceding paragraph, the author causes his true name to be registered in accordance with the provision of Article 75, paragraph (1);

(iii) where, within the period mentioned in the preceding paragraph, the author has made public his work on which he indicates his true name or generally known pseudonym as the name of the author.

Works bearing the name of a corporate body

Article 53. — (1) Copyright in works bearing as the name of the author that of a legal person or other corporate body shall continue to subsist until the end of a period of fifty years following the making public of the work or the creation of the work if it has not been made public within the period of fifty years following its creation.

(2) The provision of the preceding paragraph shall not apply in the case where, within the period mentioned in the preceding paragraph, a person who is the author of a work bearing as the name of the author that of a legal person or other corporate body, has afterwards made public the work on which he indicates his true name or generally known pseudonym as the name of the author.

Cinematographic works

Article 54. — (1) Copyright in cinematographic works shall continue to subsist until the end of a period of fifty years following the making public of the work or the creation of the work if it has not been made public within the period of fifty years following its creation.

(2) When copyright in a cinematographic work has expired at the end of its duration, copyrights subsisting in the original works adapted cinematographically shall also expire but only with respect to the exploitation of the cinematographic work.

(3) The provisions of the preceding two Articles shall not apply to copyright in cinematographic works.

Photographic works

Article 55. — (1) Copyright in photographic works shall continue to subsist until the end of a period of fifty years following the making public of the work or the creation of the work if it has not been made public within the period of fifty years following its creation.

(2) The provisions of Articles 52 and 53 shall not apply to copyright in photographic works.

The time when serial publications, etc. have been made public

Article 56. — (1) In Article 52, paragraph (1), Article 53, paragraph (1), Article 54, paragraph (1), and paragraph (1) of the preceding Article, the time when works have been made public shall be determined by the making public of each volume, issue or instalment in the case of works which are made public in regularly succeeding volumes, issues or instalments, or by the making public of the last part in the case of works which are made public in parts.

(2) In the case of works which are made public in parts, the last part already made public shall be considered to be the last one mentioned in the preceding paragraph if the next part is not made public before the expiration of a period of three years following the making public of the preceding part.

Calculation of the term of protection

Article 57. — In Article 51, paragraph (2), Article 52, paragraph (1), Article 53, paragraph (1), Article 54, paragraph (1), and Article 55, paragraph (1), the term of protection subsequent to the author's death, the making public of a work or the creation of a work shall be calculated from the beginning of the year following the date when such event occurred.

Special rules on the term of protection

Article 58. — In the case of works not falling within Article 6, item (i), if the country of origin thereof is considered to be a foreign country member of the International Union established by the Berne Convention for the Protection of Literary and Artistic Works in accordance with the provisions of this Convention and if the duration of copyright therein granted by that country of origin is shorter than that provided in Articles 51 to 55, the duration of copyright shall be that granted by that country of origin.

Section 5. — Inalienability of Moral Rights, etc.

Inalienability of moral rights

Article 59. — Moral rights of the author shall be exclusively personal to him and inalienable.

Protection of the moral interests after the author's death

Article 60. — Even after the death of the author, no person who offers or makes available a work to the public may commit an act which would be prejudicial to the moral rights of the author if he were alive; provided, however, that such act is permitted if it is deemed not to be against the will of the author in the light of the nature and extent of the act as well as a change in social situation and other conditions.

Section 6. — Transfer and Expiry of Copyright

Transfer of copyright

Article 61. — (1) Copyright may be transferred in whole or in part.

(2) Where a contract for the transfer of copyright makes no particular reference to the rights mentioned in Articles 27 and 28, these rights shall be presumed to be reserved to the transferor.

Expiry of copyright in the case where no heirs exist, etc.

Article 62. — (1) Copyright shall expire in the following cases:

(i) where, after the author's death, the copyright is to belong to the National Treasury in accordance with the provision of Article 959 of the Civil Code (Law No. 89, of 1896);

(ii) where, after the dissolution of a legal person which is the owner of copyright, the copyright is to belong to the National Treasury in accordance with the provision of Article 72, paragraph (3) of the Civil Code or the provisions of other similar laws.

(2) The provision of Article 54, paragraph (2) shall apply *mutatis mutandis* in the case where copyright in cinematographic works has expired through the operation of the preceding paragraph.

Section 7. — Exercise of Rights

Authorization to exploit works

Article 63. — (1) The copyright owner may grant another person authorization to exploit the work.

(2) The person who obtained such authorization shall be entitled to exploit the work in the manner and to the extent so authorized.

(3) The right of exploitation thus authorized may not be transferred without the consent of the copyright owner.

(4) Unless otherwise stipulated in a contract, the authorization to broadcast a work shall not imply the authorization to make sound or visual recordings of the work.

Exercise of moral rights of co-authors

Article 64. — (1) Moral rights of co-authors of a joint work may not be exercised without unanimous agreement of all the co-authors.

(2) Each of the co-authors may not, in bad faith, prevent the agreement mentioned in the preceding paragraph from being reached.

(3) Co-authors may be represented by a person chosen from among them in the exercise of their moral rights.

(4) Limitations on the representation mentioned in the preceding paragraph shall not be effective against a *bona fide* third person.

Exercise of joint copyright

Article 65. — (1) Each co-owner of copyright in a joint work or of copyright in co-ownership (hereinafter in this Article referred to as "joint copyright") shall not be entitled to transfer or pledge his share without the consent of the other co-owners.

(2) Joint copyright may not be exercised without unanimous agreement of all the co-owners.

(3) In the preceding two paragraphs, each co-owner may not, without reasonable justification refuse the consent mentioned in paragraph (1) or prevent the agreement mentioned in the preceding paragraph from being reached.

(4) The provisions of paragraphs (3) and (4) of the preceding Article shall apply *mutatis mutandis* to the exercise of joint copyright.

Copyright on which the right of pledge is established

Article 66. — (1) Unless otherwise stipulated in the contract establishing the right of pledge, the copyright owner shall be entitled to exercise copyright on which the right of pledge has been established.

(2) The right of pledge may be exercised with respect to money or the like accruing from the transfer of copyright or the exploitation of the work (including counter-value for the establishment of the right of publication), provided that payment or delivery is preceded by the seizure of the right to receive money or the like mentioned above.

Section 8. — Exploitation of works under Compulsory License

Exploitation of works in the case where the copyright owner thereof is unknown

Article 67. — (1) Where a work has been made public, or where it is clear that it has been offered to or made available to the public for a considerable period of time, the work

may be exploited under the authority of a compulsory license issued by the Commissioner of the Agency for Cultural Affairs and upon depositing on behalf of the copyright owner compensation the amount of which is fixed by the Commissioner as corresponding to an ordinary rate of royalty, provided that, after the due diligence the copyright owner cannot be found for the reason that he is unknown or for other reasons.

(2) Copies of the work reproduced in accordance with the provision of the preceding paragraph must bear an indication to the effect that the reproduction of these copies has been licensed in accordance with the provision of that paragraph and give the date when the license was issued.

Broadcasting of works

Article 68. — (1) A work already made public may be broadcast by a broadcasting organization under the authority of a compulsory license issued by the Commissioner of the Agency for Cultural Affairs and upon payment to the copyright owner of compensation the amount of which is fixed by the Commissioner as corresponding to an ordinary rate of royalty, provided that such organization requested the authorization to broadcast the work from the copyright owner and failed to reach an agreement or that the organization was unable to enter into negotiations with him.

(2) Works thus broadcast may also be diffused by wire or communicated publicly by means of a receiving apparatus upon payment to the copyright owner of compensation the amount of which corresponds to an ordinary rate of royalty, except in the case where the provisions of Article 38 shall be applicable.

Recording on commercial phonograms

Article 69. — When commercial phonograms have been sold for the first time in this country and after the expiration of a period of three years from the date of that first sale, a person who intends to make a sound recording of a musical work already recorded on such phonograms with the authorization of the copyright owner and thereby to manufacture other commercial phonograms may make that recording under the authority of a compulsory license issued by the Commissioner of the Agency for Cultural Affairs and upon payment to the copyright owner of compensation the amount of which is fixed by the Commissioner as corresponding to an ordinary rate of royalty, provided that such person requested the authorization to make a sound recording of the work from the copyright owner and failed to reach an agreement or that he was unable to enter into negotiations with the copyright owner.

Procedures and standards of compulsory licensing

Article 70. — (1) Applicants for a license mentioned in Article 67, paragraph (1), Article 68, paragraph (1) or the preceding Article shall be required to pay application fee the amount of which shall be fixed by Cabinet Order within the limit not exceeding five thousand Yen per application.

(2) Upon receipt of an application for a license mentioned in Article 68, paragraph (1) or the preceding Article, the Commissioner of the Agency for Cultural Affairs shall notify the copyright owner concerned thereof in order to afford him an opportunity to express his opinion within an adequately specified period of time.

(3) Even upon receipt of an application for a license mentioned in Article 67, paragraph (1), Article 68, paragraph (1) or the preceding Article, the Commissioner of the Agency for Cultural Affairs shall not issue such license if he recognizes:

(i) that it is evident that the author has the intention to halt forever the publication or other exploitation of his work; or

(ii) that unavoidable circumstances obliged the copyright owner to refuse to give the authorization to the broadcasting organization applying for a license mentioned in Article 68, paragraph (1).

(4) The Commissioner of the Agency for Cultural Affairs shall, when intending to refuse to issue the license, give previous notice to the applicant of the reason for such refusal and afford him an opportunity to explain his position and furnishing evidence favourable to him. The Commissioner shall, when refusing to issue such license, notify the applicant of such refusal in writing accompanied by the reason therefor.

(5) The Commissioner of the Agency for Cultural Affairs shall, upon issuing the license mentioned in Article 67, paragraph (1), give public notice thereof in the Official Gazette and notify the applicant thereof. The Commissioner shall, upon issuing the license mentioned in Article 68, paragraph (1) or the preceding Article, notify the parties concerned thereof.

(6) Other than those provided in the preceding paragraphs, necessary matters in connection with the licenses mentioned in this Section shall be provided by Cabinet Order.

Section 9. — Compensation

Consultation with the Copyright Council

Article 71. — The Commissioner of the Agency for Cultural Affairs shall, when fixing the amount of compensation mentioned in Article 33, paragraph (2) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article), Article 67, paragraph (1), Article 68, paragraph (1), and Article 69, consult with the Copyright Council.

Dissatisfaction with the amount of compensation fixed

Article 72. — (1) The parties concerned who are dissatisfied with the amount of compensation fixed in accordance with the provision of Article 67, paragraph (1), Article 68, paragraph (1) or Article 69 may bring an action for an increase or decrease therein, within a period of three months from the date when they learned that a license had been issued under any of these provisions.

(2) In an action under the preceding paragraph, the copyright owner shall be a defendant in the case where the person who brings the action is the user of the work, and the user of the work shall be a defendant in the case where the person who brings the action is the copyright owner.

Limitations on objections to the amount of compensation fixed

Article 73. — In an objection raised under the Administrative Dissatisfaction Inspection Law (Law No. 160, of 1962) to a license issued in accordance with the provision of Article 67, paragraph (1), Article 68, paragraph (1) or Article 69, the dissatisfaction with the amount of the compensation fixed shall not constitute a reason for this dissatisfaction with the issuance of the license, except in the case where a person who obtained a license mentioned in Article 67, paragraph (1) cannot bring an action mentioned in paragraph (1) of the preceding Article because the copyright owner is unknown or for other similar reasons.

Deposit of compensation

Article 74. — (1) A person who is liable to pay compensation mentioned in Article 33, paragraph (2) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article), Article 68, paragraph (1) or Article 69 shall deposit the compensation instead of paying that compensation, in any of the following cases:

(i) where the copyright owner refuses to receive or cannot receive the compensation;

(ii) where the copyright owner cannot be identified with no fault on the part of the above-mentioned person;

(iii) where that person brings an action mentioned in Article 72, paragraph (1) with respect to the amount of the compensation;

(iv) where the right of pledge has been established on the copyright (except in the case where the authorization is obtained from the pledgee).

(2) In item (iii) of the preceding paragraph, a person who is liable to pay the compensation shall, at the request of the copyright owner, pay the sum according to his estimate and deposit the balance between his estimate and the amount of the compensation fixed.

(3) The deposit of a compensation in accordance with the provisions of Article 67, paragraph (1) or (2) shall be made at a deposit office conveniently near to the known domicile or residence of the copyright owner if he has such in this country or otherwise near to the domicile or the residence of the depositor.

(4) The depositor mentioned in the preceding paragraph shall notify the copyright owner of that deposit, except in the case where he cannot notify him thereof because he is unknown or for other reasons.

Section 10. — Registration

Registration of the true name

Article 75. — (1) The author of an anonymous or pseudonymous work may have his true name registered with respect of that work, regardless of whether he actually owns the copyright therein.

(2) The author may designate by his will a person who may have such name registered after the author's death as described in the preceding paragraph.

(3) A person whose true name has been registered shall be presumed to be the author of the work concerned.

Registration of the date of the first publication, etc.

Article 76. — (1) The copyright owner as well as the publisher of an anonymous or pseudonymous work may have the date of the first publication or of the first making public of his work registered.

(2) Works as to which the date of the first publication or of the first making public is registered shall be presumed to have been first published or first made public on the date registered.

Registration of copyright

Article 77. — The following matters shall not be effective against any third party without registration thereof:

(i) the transfer (except that by inheritance or other successions in general; the same shall apply in the next item) of copyright or the limitation on the disposal of copyright;

(ii) the establishment, transfer, alteration or expiry (except because of the merger of the right of pledge, or because of the expiry of copyright or the obligatory right secured), or the restriction on the disposal, of the right of pledge established on copyright.

Procedures, etc. for registration

Article 78. — (1) The registrations mentioned in Article 75, paragraph (1), Article 76, paragraph (1) and the preceding Article shall be made by the Commissioner of the Agency for Cultural Affairs on the copyright register.

(2) The Commissioner of the Agency for Cultural Affairs shall, when having made a registration mentioned in Article 75, paragraph (1), give public notice thereof in the Official Gazette.

(3) Any person may demand the delivery of a certified copy or a certified abstract of entries in the copyright register or the opportunity to inspect the register or its annexed documents.

(4) The person making such demand shall be required to pay a fee, the amount of which is fixed by Cabinet Order within the limit not exceeding one hundred Yen per certified copy or abstract or per inspection.

(5) Other than those provided in this Section, necessary matters in connection with registrations mentioned in paragraph (1) shall be provided by Cabinet Order.

CHAPTER III

Right of Publication

Establishment of the right of publication

Article 79. — (1) The owner of the right mentioned in Article 21 (hereinafter in this Chapter referred to as " the owner of reproduction right ") may establish a right of publication in favour of a person who undertakes to publish the work in a writing or a printing.

(2) The owner of reproduction right may establish a right of publication only with the authorization of the pledgee if the right of pledge is established on the reproduction right.

Contents of the right of publication

Article 80. — The owner of the right of publication shall, as stipulated in the contract of establishment, have the exclusive right to reproduce the original text of the work, on which the right of publication is established, in a writing or a printing by means of typography or other mechanical or chemical processes for the purpose of distribution.

(2) If the author of the work dies within the duration of the right of publication or, after three years have passed from the first publication following the establishment of the right of publication, unless otherwise stipulated in the contract of establishment, the owner of reproduction right may notwithstanding the provision of the preceding paragraph, reproduce the work in a complete collection of works or other compilations comprising only the works of the same author.

(3) The owner of the right of publication may not authorize any third person to reproduce the work on which the right of publication is established.

Obligation of publication

Article 81. — Unless otherwise stipulated in the contract of establishment, the owner of the right of publication shall have the following obligations:

(i) to publish the work within a period of six months after the date when he received, from the owner of reproduction right, manuscripts or other originals or those corresponding thereto which are necessary for the reproduction of the work; and

(ii) to publish the work continuously in accordance with business practices.

Alterations, additions or deletions in works

Article 82. — (1) In the new reproduction made by the owner of the right of publication, the author may make alterations, additions or deletions in his work to the extent justified.

(2) Whenever intending to make a new reproduction of the work on which the right of publication is established, the owner of reproduction right shall notify the author thereof in advance.

Duration of the right of publication

Article 83. — (1) The duration of the right of publication shall be provided by the contract of establishment.

(2) The right of publication shall expire at the end of a period of three years from the first publication after the establishment of the right, unless otherwise stipulated in the contract of establishment.

Request to terminate the right of publication

Article 84. — (1) When the owner of the right of publication has not discharged his obligation mentioned in Article 81, item (i), the owner of reproduction right may terminate the right of publication by notifying the owner thereof.

(2) When the owner of the right of publication has not discharged his obligation mentioned in Article 81, item (ii), the owner of reproduction right may terminate the right of publication by notifying the owner thereof, provided that the owner of reproduction right has called upon the owner of the right of publication to discharge his obligation within a period exceeding three months, and that the owner of the right of publication has not discharged his obligation within that period.

(3) When the belief of the author who has the reproduction right in his work differs from the content of the work, he may terminate the right of publication by notifying the owner of the right of publication in order to halt forever the publication of the work, provided that he makes compensation in advance for damages usually caused to the owner of the right of publication by such termination.

Distribution of copies of a work after the termination of the right of publication

Article 85. — (1) After the termination of the right of publication because of the expiration of the duration of the right or for other reasons, the co-owner of the right may not distribute the copies of the work reproduced within the duration of the right, except in the following cases:

(i) where otherwise stipulated in the contract of establishment;

(ii) where he has already paid royalties or other remunerations to the owner of reproduction right within the duration of the right of publication, and he distributes copies corresponding to such payment.

(2) The distribution of copies in contradiction of the provisions of the preceding paragraph shall be considered to constitute the reproduction mentioned in Article 21 or Article 80, paragraph (1).

Limitation on the right of publication

Article 86. — (1) The provisions of Articles 30 to 32, Article 33, paragraph (1) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article), Article 34, paragraph (1), Article 35, Article 36, paragraph (1), Article 37, paragraph (1), Article 39, paragraph (1), Article 40, paragraphs (1) and (2), and Articles 41, 42, 46 and 47 shall apply *mutatis mutandis* to the reproduction of works on which the right of publication is established. In these cases, " the copyright owner " in Articles 35 and 42 shall read " the owner of the right of publication ".

(2) The distribution and the making available to the public of copies of works reproduced in accordance with the provision of Article 30, Article 31, item (i) or Articles 35, 41 or 42 which apply *mutatis mutandis* in the preceding paragraph, for purposes other than those mentioned in these provisions, shall be considered to constitute the reproduction described in Article 80, paragraph (1).

Transfer, etc. of the right of publication

Article 87. — The right of publication may he transferred or pledged only with the authorization of the owner of reproduction right.

Registration of the right of publication

Article 88. — The following matters shall not he effective against any third party without the registration thereof:

(i) the estahlishment, transfer (except that by inheritance or other successions in general; the same shall apply in the next item), alteration or expiry (except hecause of the merger, or hecause of the expiry of the reproduction right), or the restriction on the disposal of the right of publication;

(ii) the establishment, transfer, alteration or expiry (except because of the merger of the right of pledge, or because of the expiry of the right of puhlication or the ohligatory rights secured), or the restriction on the disposal of the right of pledge estahlished on the right of puhlication.

(2) The provision of Article 78 (except paragraph (2)) shall apply *mutatis mutandis* to the registration mentioned in the preceding paragraph. In this case, " the copyright register " shall read " the register of the right of publication ".

CHAPTER IV

Neighbouring Rights

Section 1. — General Rules

Neighbouring rights

Article 89. — (1) Performers shall enjoy the rights mentioned in Articles 91 and 92 as well as the right to secondary use fees mentioned in Article 95, paragraph (1).

(2) Producers of phonograms shall enjoy the right mentioned in Article 96 and the right to secondary use fees mentioned in Article 97, paragraph (1).

(3) Broadcasting organizations shall enjoy the rights mentioned in Articles 98 to 100.

(4) The enjoyment of the rights referred to in the preceding three paragraphs shall not be suhject to any formality.

(5) The rights referred to in paragraphs (1) to (3) (except the right to secondary use fees referred to in paragraphs (1) and (2)) shall he called " neighbouring rights ".

Relationship with copyright

Article 90. — No provisions in this Chapter may he interpreted as affecting the protection of the rights of authors.

Section 2. — Rights of Performers

Right of making sound or visual recordings

Article 91. — (1) Performers shall have the exclusive right to make sound or visual recordings of their performances.

(2) The provision of the preceding paragraph shall not apply to performances which have been incorporated in cinematographic works with the authorization of the owner of the right mentioned in the same paragraph (this authorization means the authorization of exploitation mentioned in the provision of Article 63, paragraph (1) which apply *mutatis mutandis* in Article 103; the same shall apply hereinafter in this Chapter), except in the case where such performances are to be incorporated in sound recordings (other than those intended for use exclusively with images).

Right of broadcasting and diffusion by wire

Article 92. — (1) Performers shall have the exclusive right to hroadcast and diffuse by wire their performances.

(2) The provision of the preceding paragraph shall not apply in the following cases:

(i) where the diffusion by wire is made of performances already broadcast;

(ii) where the hroadcasting takes place of, or the diffusion by wire is made of the following:

(a) performances incorporated in sound or visual recordings with the authorization of the owner of the right mentioned in paragraph (1) of the preceding Article;

(b) performances mentioned in paragraph (2) of the preceding Article and incorporated in recordings other than those mentioned in that paragraph.

Fixation for broadcasting purposes

Article 93. — (1) Broadcasting organizations which have obtained the authorization to hroadcast performances from the owner of the right of hroadcasting mentioned in paragraph (1) of the preceding Article, may make sound or visual recordings of such performances for hroadcasting purposes, provided that the contract has no provision to the contrary or that the sound or visual recordings are not intended for the purpose of use in broadcasting programs different from those authorized.

(2) The following shall he considered to constitute the making of sound or visual recordings mentioned in Article 91, paragraph (1):

(i) the use and the offering of sound or visual recordings made in accordance with the provision of the preceding paragraph for a purpose other than that of hroadcasting or for the purpose mentioned in the proviso to the same paragraph;

(ii) the further offering, hy hroadcasting organizations which have been offered such recordings, of sound or visual recordings made in accordance with the provision of the preceding paragraph, to other hroadcasting organizations for their hroadcasting.

Broadcasting of fixations, etc. made for broadcasting purposes

Article 94. — (1) Unless otherwise stipulated in the contract, the authorization to hroadcast a performance from the owner of the right mentioned in Article 92, paragraph (1) shall also imply the following:

(i) broadcasting by the authorized hroadcasting organization of the performances incorporated in sound or visual recordings in accordance with the provision of paragraph (1) of the preceding Article;

(ii) broadcasting, of the performances incorporated by the authorized broadcasting organization in sound or visual recordings in accordance with the provision of paragraph (1) of the preceding Article, by another broadcasting organization which has been offered such recordings;

(iii) broadcasting (not falling in the preceding item), by another broadcasting organization which has been offered by the authorized broadcasting organization programs incorporating authorized performances, of such performances.

(2) When a broadcasting mentioned in any of the items of the preceding paragraph has been made, the authorized broadcasting organization mentioned therein shall pay a reasonable amount of remuneration to the owner of the right mentioned in Article 92, paragraph (1).

Secondary use of commercial phonograms

Article 95. — (1) When broadcasting organizations and those who engage in wire diffusion service principally for the purpose of offering music (hereinafter in this Article and Article 97, paragraph (1) referred to as " broadcasting organizations, etc.") have broadcast or diffused by wire commercial phonograms incorporating performances with the authorization of the owner of the right mentioned in Article 91, paragraph (1) (except rebroadcast or diffusion by wire made upon receiving such broadcast), they shall pay secondary use fees to the performers whose performances (in which neighbouring rights subsist) have been so broadcast or diffused by wire.

(2) Where there is an association (including a federation of associations) which is composed of a considerable number of professional performers practising in this country and which is so designated, with its consent, by the Commissioner of the Agency for Cultural Affairs, the right to secondary use fees mentioned in the preceding paragraph shall be exercised exclusively through the intermediary of such association.

(3) The Commissioner of the Agency for Cultural Affairs may designate only such an association as satisfies the following conditions:

(i) that it is not established for profit-making;

(ii) that its members may voluntarily join and withdraw;

(iii) that its members are granted an equal right to vote and to be elected;

(iv) that it has sufficient ability to practise properly by itself the business of exercising the right on behalf of the owners of the right to secondary use fees mentioned in paragraph (1) (hereinafter in this Article referred to as " the owners of the right ").

(4) Such association may not refuse the request of the owners of the right for the exercise of the right on their behalf.

(5) Upon receipt of the request mentioned in the preceding paragraph, such association shall have authority to deal, on behalf of the owners of the right, in its own name with juridical and non-juridical matters in regard to the right.

(6) As provided by Cabinet Order, the Commissioner of the Agency for Cultural Affairs may ask such association to report on their business concerning secondary use fees mentioned in paragraph (1) or to submit account books, documents and other data, or make necessary recommendations for improving in a manner of practising business.

(7) The amount of secondary use fees which such association may demand on behalf of the owners of the right in accordance with the provision of paragraph (2) shall be fixed each year by mutual agreement between such association and broadcasting organizations, etc. or their federation.

(8) If the agreement mentioned in the preceding paragraph is not reached, the parties concerned may, as provided by Cabinet Order, request that the Commissioner of the Agency for Cultural Affairs issue a ruling fixing an amount of secondary use fees.

(9) The provisions of Article 70, paragraphs (2), (5) and (6) as well as Articles 71 to 74 shall apply *mutatis mutandis* to the ruling on and secondary use fees mentioned in the preceding paragraph. In this case, " the copyright owner " in Article 70, paragraph (2) shall read " the parties concerned ", " the user of the work " in Article 72, paragraph (2) shall read " broadcasting organizations, etc. mentioned in Article 95, paragraph (1) ", " the copyright owner " in the same paragraph shall read " the association mentioned in paragraph (2) of the same Article ", and " the copyright owner " in Article 74 shall read " the association mentioned in Article 95, paragraph (2) ".

(10) The provisions of the Law Relating to Prohibition of Private Monopoly and Methods of Preserving Fair Trade (Law No. 54, of 1947) shall not apply to mutual agreement mentioned in paragraph (7) and to acts made under it, provided that the trading method is fair and without unreasonable prejudice to the interests of concerned entrepreneurs.

(11) Other than those provided in paragraphs (2) to (10), necessary matters in connection with payment of secondary use fees mentioned in paragraph (1) and the association mentioned in paragraph (2) shall be provided by Cabinet Order.

Section 3. — Rights of Producers of Phonograms

Right of reproduction

Article 96. — Producers of phonograms shall have the exclusive right to reproduce their phonograms.

Secondary use of commercial phonograms

Article 97. — (1) When broadcasting organizations, etc. have broadcast or diffused by wire commercial phonograms (except rebroadcast or diffusion by wire made upon receiving such broadcast), they shall pay secondary use fees to the producers whose phonograms (in which neighbouring rights subsist) have been so broadcast or diffused by wire.

(2) Where there is an association (including a federation of associations) which is composed of a considerable number of producers practising in this country and which is so designated with its consent, by the Commissioner of the Agency for Cultural Affairs, the right to secondary use fees mentioned

in the preceding paragraph shall be exercised exclusively through the intermediary of such association.

(3) The provisions of Article 95, paragraphs (3) to (11) shall apply *mutatis mutandis* to secondary use fees mentioned in paragraph (1) and to the association mentioned in the preceding paragraph.

Section 4. — Rights of Broadcasting Organizations

Right of reproduction

Article 98. — Broadcasting organizations shall have the exclusive right to make sound or visual recordings of, and to reproduce by means of photography or other similar processes the sounds or images incorporated in, their broadcasts or those diffused by wire from such broadcasts.

Right of rebroadcasting and diffusion by wire

Article 99. — (1) Broadcasting organizations shall have the exclusive right to rebroadcast and diffuse by wire their broadcasts.

(2) The provision of the preceding paragraph shall not apply to the diffusion by wire which is made by a person who is required to do so under the provisions of laws and regulations.

Right of communication of television broadcasts

Article 100. — Broadcasting organizations shall have the exclusive right to communicate to the public, by means of a special instrument for enlarging images of broadcasts, their television broadcasts or those diffused by wire from such broadcasts.

Section 5. — Term of Protection

Term of protection for performances, phonograms and broadcasts

Article 101. — The duration of neighbouring rights shall begin with the following date, and shall expire at the end of a period of twenty years from the year following the date:

(i) when the performance took place, for performances;

(ii) when the first fixation of sounds was made, for phonograms;

(iii) when the broadcast took place, for broadcasts.

Section 6. — Limitations, Transfer, Exercise and Registration of the Rights

Limitations on neighbouring rights

Article 102. — (1) The provisions of Articles 30 to 32, Articles 35 and 36, Article 37, paragraph (2), Article 38, paragraph (1), and Articles 41, 42 and 44 shall apply *mutatis mutandis* to the exploitation of performances, phonograms or broadcasts which are the subject matter of neighbouring rights. In this case, " Article 23, paragraph (1) " in Article 44 shall read " Article 92, paragraph (1) or Article 99, paragraph (1) ".

(2) Where reproduction is made of performances, phonograms, sounds or images already broadcast (hereinafter in paragraph (4), item (i) referred to as " performances, etc.") in accordance with the provisions of Article 32, Article 37, paragraph (2) or Article 42 which are applicable *mutatis mutandis* in the preceding paragraph, the source must be clearly indicated in the manner and to the extent deemed reasonable by the character of the reproduction, provided that standard practice so requires.

(3) Where it is permissible to broadcast works under the provision of Article 39, paragraph (1) or Article 40, paragraph (1) or (2), it shall also be permissible to diffuse by wire the broadcasts of such works and to communicate them to the public by means of a special instrument for enlarging images of broadcasts.

(4) The following shall be considered to constitute the making of sound or visual recordings or the reproduction described in Article 91, paragraph (1), Article 96 or Article 98:

(i) the distribution of reproductions of performances, etc. made in accordance with the provisions of Article 30, Article 31, item (i), Article 35, Article 37, paragraph (2), Article 41, Article 42, or Article 44, paragraph (1) which apply *mutatis mutandis* in paragraph (1) of this Article, and the making available to the public of performances, of sounds of phonograms, or of sounds or images of broadcasts by the use of these reproductions, for purposes other than those mentioned in these provisions;

(ii) the preservation by broadcasting organizations of sound or visual recordings in violation to Article 44, paragraph (2) which apply *mutatis mutandis* in paragraph (1) of this Article.

Transfer, exercise, etc. of neighbouring rights

Article 103. — The provision of Article 61, paragraph (1) shall apply *mutatis mutandis* to the transfer of neighbouring rights, the provision of Article 62, paragraph (1) to the expiry of these rights, and the provision of Article 63 to the authorization to exploit performances, phonograms or broadcasts, and the provision of Article 65 shall apply *mutatis mutandis* with respect to the joint authorship of these rights, and the provision of Article 66 with respect to the establishment of a pledge on these rights.

Registration of neighbouring rights

Article 104. — The provisions of Articles 77 and 78 (except paragraph (2)) shall apply *mutatis mutandis* to the registration of neighbouring rights. In this case, " the copyright register " in paragraphs (1) and (3) of the latter Article shall read " the register of neighbouring rights ".

CHAPTER V

Settlement of Disputes

Mediators for the settlement of disputes concerning copyright

Article 105. — (1) In order to settle, through mediation, disputes concerning the rights provided in this Law, the Agency for Cultural Affairs shall provide mediators for the settlement of disputes concerning copyright (hereinafter in this Chapter referred to as " mediators ").

(2) Whenever an affair may arise, mediators, not exceeding three in number, shall be appointed by the Commissioner of the Agency for Cultural Affairs from among persons of learning and experience in the field of copyright or neighbouring rights.

Application for mediation

Article 106. — When a dispute may arise in relation to the rights provided for in this Law, the parties concerned may apply for mediation to the Commissioner of the Agency for Cultural Affairs.

Application fee

Article 107. — (1) Applicants shall pay application fee.

(2) The amount of such fee shall be fixed by Cabinet Order within the limit not exceeding ten thousand Yen per application.

Submission to mediation

Article 108. — (1) Upon receipt of an application under the provision of Article 106 of both parties concerned or that of one party to which the other party consented, the Commissioner of the Agency for Cultural Affairs shall submit the matter to the mediators.

(2) The Commissioner of the Agency for Cultural Affairs may desist from submitting a matter to the mediators, when he deems its nature inappropriate for submission to mediation or when he deems that the parties concerned applied for mediation for improper purposes.

Mediation

Article 109. — (1) The mediators shall mediate between the parties concerned in order to settle the dispute in conformity with actual circumstances and in consideration of the points in dispute.

(2) The mediators may stop the mediation when they deem that the likelihood of settlement of the dispute no longer exists.

Report, etc.

Article 110. — (1) Upon completion of the mediation, the mediators shall report thereon to the Commissioner of the Agency for Cultural Affairs.

(2) When stopping mediation, they shall inform the parties concerned thereof and indicate the reasons therefor, which shall also be reported to the Commissioner of the Agency for Cultural Affairs.

Mandate to Cabinet Order

Article 111. — Other than those provided in this Chapter, necessary matters in connection with procedures of mediation and mediators shall be provided by Cabinet Order.

CHAPTER VI

Infringements

Right of demanding cessations

Article 112. — (1) Against those who infringe or are likely to infringe moral rights, copyright, right of publication, or neighbouring rights, the authors as well as the owners of these rights may demand cessation or prevention of such infringements.

(2) In making such demands, the authors, the owners of copyright, the owners of right of publication, or the owners of neighbouring rights may demand that measures necessary to effect such cessation or prevention of infringement be taken, such as the abandonment of objects the making of which constituted an infringement, objects made by an infringement or implements and tools used solely for an infringement.

Acts considered to be infringements

Article 113. — (1) The following acts shall be considered to constitute infringements on moral rights, copyright, right of publication or neighbouring rights:

(i) the importation into this country, for distribution, of objects made by an act which would constitute an infringement on moral rights, copyright, right of publication or neighbouring rights if they were made in this country at the time of such importation;

(ii) the distribution of objects made by an act infringing on moral rights, copyright, right of publication or neighbouring rights (including those imported as mentioned in the preceding item) by a person who is aware of such infringement.

(2) An act of exploitation of a work prejudicial to the honour or reputation of the author shall be considered to constitute an infringement on his moral rights.

Presumption of the amount of damages

Article 114. — (1) In the case where an owner of copyright, right of publication or neighbouring rights claims compensation for damages from a person who has infringed intentionally or negligently any of these rights, the profits, if any, obtained by the infringer from that infringement shall be presumed to be the amount of damages suffered by such owner.

(2) The owners of copyright and neighbouring rights may claim compensation for damages from a person who has infringed intentionally or negligently their copyright or neighbouring rights, the amount of damages suffered being that corresponding to the ordinary amount of money which would be received by them through the exercise of these rights.

(3) The provision of the preceding paragraph shall not prejudice any claim to compensation for damages in excess of the amount mentioned therein. In such case, the court may consider the absence of any bad faith or gross negligence on the part of the infringer in fixing the amount of damages.

Measures for recovery of honour, etc.

Article 115. — The author may demand that the person who has infringed his moral rights intentionally or negligently take measures necessary to identify him as the author, to correct distortions, mutilations, or modifications or to recover his honour or reputation either in place of indemnification of damages or together with indemnification of damages.

Measures to protect the moral interests after the author's death

Article 116. — (1) After the death of the author, his bereaved family ("bereaved family" means surviving spouse, children, parents, grandchildren, grandparents, brothers or sisters of the dead author; the same shall apply hereinafter in this Article) may make the demand described in Article 112 of a person who violates or is likely to violate the provision of Article 60 in respect of the author concerned, or the demand described in the preceding Article of a person who has infringed moral rights intentionally or negligently or who has violated the provision of Article 60.

(2) Unless otherwise determined by the will of the author, the demands by the bereaved family mentioned in the preceding paragraph may be made in accordance with the order of the enumeration of the bereaved family in that paragraph.

(3) The author may appoint by will a person who acts for the bereaved family. In this case, the appointed person may not make a demand after the expiration of a period of fifty years from the year following the date of the author's death or, if any bereaved family still survive at the time of such expiration, after the death of all the bereaved family.

Infringement in respect to a joint work, etc.

Article 117.— (1) Each co-author of, or each co-owner of the copyright in, a joint work shall be entitled to make, without the consent of the other co-authors or co-owners of the copyright, the demand described in Article 112 or a demand for compensation for damages to his share or a demand for the surrender of unjust enrichment corresponding to his share.

(2) The provision of the preceding paragraph shall apply *mutatis mutandis* to an infringement on copyright or neighbouring rights in co-ownership.

Safeguard of rights in anonymous or pseudonymous works

Article 118. — (1) The publisher of an anonymous or pseudonymous work shall be entitled to make, in his own name and in favour of the author or the copyright owner of the work, the demand described in Article 112, or Article 115 or Article 116, paragraph (1) or a demand for compensation or the surrender of unjust enrichment, provided that the pseudonym is generally known as that of the author and that the true name of the author is not registered under the provision of Article 75, paragraph (1).

(2) A person whose true name or generally known pseudonym is indicated as the name of the publisher in the customary manner on copies of an anonymous or pseudonymous work shall be presumed to be the publisher of that work.

CHAPTER VII

Penal Provisions

Article 119. — Any person who infringes moral rights, copyright, right of publication or neighbouring rights shall be punishable by imprisonment for a term not exceeding three years or a fine not exceeding three hundred thousand Yen.

Article 120. — Any person who violates the provision of Article 60 shall be punishable by a fine not exceeding three hundred thousand Yen.

Article 121. — The following shall be punishable by imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand Yen:

(i) any person who distributes reproductions of works on which the true name or generally known pseudonym of a non-author is indicated as the name of the author (including reproductions of derivative works on which the true name or generally known pseudonym of a non-author of the original work is indicated as the name of the original author);

(ii) any person who makes reproductions of commercial phonograms which have been made by those engaging in the business of manufacturing commercial phonograms in this country from a matrix of a phonogram (except that falling within item (i) or (ii) of Article 8) offered by the producer of phonograms, or who distributes such reproductions, provided that such reproductions are made or distributed within a period of twenty years from the year following the date of the first fixation of sounds on the matrix.

Article 122. — Any person who violates the provisions of Article 48 or Article 102, paragraph (2) shall be punishable by a fine not exceeding ten thousand Yen.

Article 123. — (1) In the case of offences under Article 119 and Article 121, item (ii), the prosecution shall take place only upon the complaint of the injured person.

(2) A publisher of an anonymous or a pseudonymous work may lodge a complaint with respect to such work published by him, except in the cases where the proviso to Article 118, paragraph (1) is applicable and where the complaint is contrary to the express will of the author.

Article 124. — (1) Where a representative of a legal person (including an administrator of a non-juridical association or foundation) or an agent, an employee or any other worker of a legal person or a person violates the provisions of Articles 119 to 122 in connection with the business of such legal person or such person, the fine under each Article shall be imposed upon such legal person or such person in addition to the punishment of the offender.

(2) In the case where the provision of the preceding paragraph applies to a non-juridical association or foundation, its representative or administrator shall represent such association or foundation in regard to proceedings, and the provisions of the Code of Criminal Procedure which are used when a legal person is the accused or the suspect shall apply *mutatis mutandis.*

(3) In the case of paragraph (1), a complaint lodged against an offender or the withdrawal of such complaint shall be effective also with respect to the legal person or the person concerned, and a complaint lodged against a legal person or a person or the withdrawal of such complaint shall be effective also with respect to the offender concerned.

Supplementary Provisions

Date of enforcement

Article 1. — This Law shall come into force on January 1, 1971.

Transitory measures: the scope of application

Article 2. — (1) The provisions relating to copyright of the revised Copyright Law (hereinafter referred to as " the new Law ") shall not apply to works in which copyrights under the Copyright Law before amendment (hereinafter referred to as " the old Law ") have all expired at the time of coming into force of this Law.

(2) In relation to works in which copyrights under the old Law have partly expired at the time of coming into force of this Law, the provisions in the new Law concerned with the expired parts shall not apply.

(3) The provisions relating to neighbouring rights of the new Law (including the provisions of Articles 95 and 97; the same shall apply in the next paragraph) shall not apply to the following:

(i) performances which took place before the enforcement of this Law;
(ii) phonograms composed of the sounds which were first fixed before the enforcement of this Law;
(iii) broadcasts which took place before the enforcement of this Law.

(4) Notwithstanding the provisions of the preceding paragraph as well as Articles 7 and 8 of the new Law, the provisions relating to neighbouring rights of the new Law shall apply to performances or phonograms, mentioned in item (i) or (ii) of the preceding paragraph, in which copyright under the old Law subsists at the time of coming into force of this Law.

(5) The provisions relating to neighbouring rights of the new Law (including the provision of Article 95) shall not, for the time being, apply to foreign performers who do not have habitual residence in this country, provided that their performances do not fall within those referred to in the preceding paragraph.

Transitory measures: translations, etc. made by the State, etc.

Article 3. — With respect to works which fall within Article 13, item (iv) of the new Law and on which the right of publication under the old Law is established at the time of the enforcement of this Law, the provision of that item shall not apply only within the duration of that right.

Transitory measures: the author of a work made under the name of a legal person, etc.

Article 4. — The provisions of Articles 15 and 16 of the new Law shall not apply to works created before the enforcement of this Law.

Transitory measures: the ownership of copyright in cinematographic works, etc.

Article 5. — (1) The old Law shall still apply to the ownership of copyright in cinematographic works, described in Article 29 of the new Law, which were created before the enforcement of this Law.

(2) The provisions of the new Law shall not prejudice the effect of the provisions of Article 24 or 25 of the old Law on the ownership of copyright in photographic works included in other works before the enforcement of this Law and on the ownership of copyright in portrait photographs created on commission before the enforcement of this Law.

Transitory measures: artistic works placed in an open place

Article 6. — The owner of the copyright in an artistic work permanently placed in an open place, as provided in Article 45, paragraph (2) of the new Law, at the time of the enforcement of this Law, shall be considered to have authorized the exhibition of that work by placing its original in an open place.

Transitory measures: term of protection

Article 7. — The old Law shall still apply to the duration of copyright in works made public before the enforcement of this Law, provided that the duration under the old Law is longer than that provided in the provisions of Section 4 of Chapter II of the new Law.

Transitory measures: duration of the right of translation

Article 8. — The provisions of Articles 7 and 9 of the old Law shall still be effective with respect to works published before the enforcement of this Law.

Transitory measures: disposal of copyright

Article 9. — The transfer and other disposal, made before the enforcement of this Law, of copyright under the old Law shall be considered made under the new Law, except those falling within the provision of Article 15, paragraph (1) of the Supplementary Provisions.

Transitory measures: joint works

Article 10. — (1) The provisions of Article 13, paragraphs (1) and (3) of the old Law shall still be effective with respect to works created before the enforcement of this Law by two or more persons in which the contribution of each person can be separately exploited.

(2) For the purpose of Article 51, paragraph (2) and Article 52, paragraph (1) of the new Law, works mentioned in the preceding paragraph shall be considered to constitute joint works.

Transitory measures: exploitation of works under compulsory license

Article 11. — (1) The provision of Article 69 of the new Law shall not apply to the making of sound recordings of musical works incorporated in commercial phonograms which were put on sale in this country before the enforcement of this Law.

(2) The person who would be entitled to exploit works in accordance with the provision of Article 22-5, paragraph (2) or Article 27, paragraph (1) or (2) of the old Law shall be

entitled to continue to exploit these works in accordance with such provision.

(3) The amount of compensation fixed by the Commissioner of the Agency for Cultural Affairs in accordance with the provision of Article 22-5, paragraph (2) or Article 27, paragraph (2) of the old Law shall be considered as that fixed in accordance with the provision of Article 68, paragraph (1) or Article 67, paragraph (1) of the new Law, and the provisions of Articles 72 and 73 of the new Law shall apply.

(4) In the preceding paragraph, where the parties concerned who are dissatisfied with the amount of compensation learn of the issuance of a license before the enforcement of this Law, the period mentioned in Article 72, paragraph (1) of the new Law shall be calculated from the date of enforcement of this Law.

Transitory measures: registrations

Article 12. — (1) The disposal of and procedures for registrations of copyright, of the true name or of the date of first publication mentioned in Article 15 of the old Law, made before the enforcement of this Law, shall be considered as those mentioned in Articles 75 to 77 of the new Law, except those falling within the provision of Article 15, paragraph (3) of the Supplementary Provisions.

(2) The provision of Article 35, paragraph (5) of the old Law shall still be effective with respect to works, the date of first publication of which, at the time of the enforcement of this Law, is registered in accordance with the provision of Article 15, paragraph (3) of the old Law.

Transitory measures: right of publication

Article 13. — (1) The right of publication under the old Law which was established before the enforcement of this Law and which subsists at the time of enforcement of this Law shall be considered to be established under the new Law.

(2) The disposal of and procedures for registrations of the right of publication mentioned in Article 28-10 of the old Law, made before the enforcement of this Law, shall be considered as those mentioned in Article 88 of the new Law.

(3) Notwithstanding the provisions of Articles 80 to 85 of the new Law, the provisions of Articles 28-3 to 28-8 of the old Law shall still be effective with respect to the right of publication mentioned in paragraph (1) of this Article.

Transitory measures: public performances by the use of sound recordings

Article 14. — The provisions of Article 30, paragraph (1), item (viii) and paragraph (2), as well as Article 39 of the old Law shall, for the time being, continue to be effective with respect to public performances of musical works by the use of sound recordings made lawfully, other than those accomplished by broadcasting or diffusion by wire and those made by enterprises which use such recordings for the purpose of profit-making and which are defined by Cabinet Order.

Transitory measures: neighbouring rights

Article 15. — (1) The transfer and other disposal, made before the enforcement of this Law, of copyright under the old Law in performances or phonograms mentioned in Article 2, paragraph (4) of the Supplementary Provisions shall be considered as the transfer and other disposal of neighbouring rights under the new Law.

(2) Notwithstanding the provision of Article 101 of the new Law, the duration of neighbouring rights in performances and phonograms mentioned in the preceding paragraph shall be the remaining part of the duration at the time of the enforcement of this Law or a period of twenty years if the remaining part is longer than twenty years.

(3) The disposals of and procedures for registrations of copyright in performances or phonograms mentioned in paragraph (1) of this Article, made before the enforcement of this Law in accordance with the provision of Article 15, paragraph (1) of the old Law, shall be considered made in accordance with the provision of Article 104 of the new Law.

(4) The provisions of Article 10, paragraph (1) and Article 12, paragraph (2) of the Supplementary Provisions shall apply *mutatis mutandis* to performances and phonograms mentioned in paragraph (1) of this Article.

Transitory measures: distribution, etc. of reproductions

Article 16. — Reproductions of works, performances or phonograms which were made before the enforcement of this Law and which would be lawful under the provisions of Subsection 5 of Section 3 of Chapter II of this Law (including the case where their application *mutatis mutandis* is provided for under Article 102, paragraph (1) of the new Law) may be used or distributed to the extent of the purpose of the reproduction provided in these provisions. In this case, the provision of Article 113, paragraph (1), item (ii) of the new Law shall not apply.

Transitory measures: infringements

Article 17. — Notwithstanding the provision of Article 14 and Chapter VI of the new Law, the provisions of Articles 12, 28-11, 29, 33 and 34, Article 35, paragraphs (1) to (4), and Articles 36 and 36-2 of the old Law shall still apply to acts made before the enforcement of this Law which violate the provision of Article 18, paragraph (1) or (2) of the old Law or which fall within the infringements provided for in Chapter III of the old Law (including acts infringing the right of publication).

Transitory measures: penal provisions

Article 18. — The penal provisions of the old Law shall still apply to acts made before the enforcement of this Law.

Partial amendment: Law on Intermediary Business concerning Copyrights

Article 19. — The Law on Intermediary Business concerning Copyrights (Law No. 67, of 1939) shall be partially amended as follows:

— In Article 1, paragraph (1), the word " recording " shall be replaced by the words " sound recording ".
— In Article 3, paragraph (4), the words " the Copyright System Council " shall be replaced by the words " the Copyright Council ".

Partial amendment: School Education Law

Article 20. — [omitted]

Partial amendment: Law for Temporary Measures to the Textbook Publication

Article 21. — [omitted]

Partial amendment: Ministry of Education Establishment Law

Article 22. — [omitted]

Partial amendment: Law concerning the Right of Publication, etc. of the Ministry of Education Textbooks

Article 23. — [omitted]

Partial amendment: Law concerning Exceptional Provisions for Copyrights Owned by the Allied Powers and the Allied Nationals

Article 24. — The Law concerning Exceptional Provisions for Copyrights Owned by the Allied Powers and the Allied Nationals (Law No. 302, of 1952) shall be partially amended as follows:

— In Article 1, the words " the Copyright Law (Law No. 39, of 1899) " shall be replaced by the words " the Copyright Law (Law No. 48, of 1970) ".
— In Article 2, paragraph (3), the words " the Copyright Law " shall be replaced by the words " the old Copyright Law (Law No. 39, of 1899) ".
— In Article 4, the words " during the term of protection " shall be replaced by the words " during the term of protection of the rights corresponding to copyright ".
— In Article 5, the words " the Copyright Law " shall be replaced by the words " the old Copyright Law which is to be still effective in accordance with the provisions of Article 8 of the Supplementary Provisions of the Copyright Law ".
— In Article 7, the words " Article 15 (registration of successions to and assignments and pledges of copyright) " shall be replaced by the words " Article 77 (registration of copyright) or Article 78 (procedures, etc. for registration) ".

Transitory measures required in consequence of the partial amendment of the Law concerning Exceptional Provisions for Copyrights Owned by the Allied Powers and the Allied Nationals

Article 25. — (1) The provisions of the Law concerning Exceptional Provisions for Copyrights Owned by the Allied Powers and the Allied Nationals after the amendment made in accordance with the provision of the preceding Article (hereinafter referred to as " the Exceptional Provisions Law after amendment ") shall not apply to copyright which is mentioned in Article 2, paragraph (3) of the Exceptional Provisions Law after amendment and which has already expired at the time of the enforcement of this Law.

(2) The old Law shall still apply to the duration of copyright, in works made public before the enforcement of this Law, which is mentioned in Article 2, paragraph (3) of the Exceptional Provisions Law after amendment and which subsists at the time of the enforcement of this Law, provided that the duration under the Law concerning Exceptional Provisions for Copyrights Owned by the Allied Powers and the Allied Nationals before the amendment made in accordance with the provision of the preceding Article is longer than that provided in the provision of Article 4 of the Exceptional Provisions Law after amendment.

Partial amendment: Law concerning the Exceptional Provisions to the Copyright Law required in consequence of the Enforcement of the Universal Copyright Convention

Article 26. — The Law concerning the Exceptional Provisions to the Copyright Law required in consequence of the Enforcement of the Universal Copyright Convention (Law No. 86, of 1956) shall be partially amended as follows:

— In Article 1, the words " the Copyright Law (Law No. 39, of 1899) " shall be replaced by the words " the Copyright Law (Law No. 48, of 1970) ".
— In Article 2, the following new paragraph shall be added at the end:

(3) In this Law, " right of translation " means the right of translation mentioned in Article V of the Universal Convention.

— In Article 5, paragraph (4), the words " the Copyright System Council " shall be replaced by the words " the Copyright Council ".
— In Article 11, the words " the Copyright Law " shall be replaced by the words " the old Copyright Law (Law No. 39, of 1899) ", and following the words " the same protection ", there shall be inserted the words " and, insofar as the works enjoying such protection on the effective date of the Copyright Law are concerned, to enjoy protection under that Law, ".

Partial amendment: Bankruptcy Law

Article 27. — [omitted]

Partial amendment: Customs Tariff Law

Article 28. — [omitted]

Partial amendment: Succession Tax Law

Article 29. — [omitted]

Partial amendment: Registration and License Tax Law

Article 30. — [omitted]

Partial amendment: Broadcasting Law

Article 31. — [omitted]

CORRESPONDENCE

Letter from Japan

Introduction

In this fourth "Letter from Japan" we are pleased to report on the promulgation of our new Copyright Law. As was reported in the concluding part of our previous "Letter" [1], the Government submitted to the 1969-1970 session of the Diet the same Copyright Bill as was submitted to the previous session of the Diet. The Diet passed the Bill into Law on April 28, 1970, and the Law was promulgated in the Official Gazette on May 6, as Law No. 48. It came into force on January 1, 1971. The Bill passed both Houses of the Diet without amendment, in other words in the form originally submitted by the Government. In anticipation of this gratifying result, we also said in the concluding part of the previous "Letter" that this was our reason for giving in that "Letter" a rather lengthy description of the Bill designed to emerge as the Copyright Law of modern Japan. Consequently, we need not reproduce here either the contents of the new Copyright Law or the history of the preliminary activities leading to its realization, recommending instead that readers refer to the "Letters from Japan" which appeared in *Copyright*, 1966, page 277, 1968, page 70, and 1970, page 49. We shall simply describe the follow-up measures necessary for the enforcement of the new Law and related matters (Part A) and some court decisions which will be of interest to the reader (Part B).

PART A

I. Cabinet Decrees

In order to enforce the new Copyright Law, the Government must issue, in accordance with the respective articles of the Law, several Cabinet Decrees on the following matters:

(i) designation of libraries and other establishments permitted to make reproductions of copyright works (Article 31) [2];

(ii) designation of official archives for the preservation of ephemeral recordings of exceptional documentary character made by broadcasting organizations (Article 44);

(iii) determination of the amount of the compensation to be paid by the applicant to obtain a license to use copyright works on the decision of the Commissioner of the Agency for Cultural Affairs in the case of: *(a)* works of unknown and unavailable authors (Article 67); *(b)* works subject to compulsory license for broadcasting (Article 68); and *(c)* works subject to compulsory license for mechanical recording (Article 69) [3];

(iv) determination of the administrative fee and other matters relating to the registration of authors' names or any other registration (Articles 75-78) [4];

(v) supervision of the organization composed of performers and designated by the Commissioner of the Agency for Cultural Affairs to receive payment for the secondary use of commercial phonograms; also, determination of the amount of the payment in case of absence of agreement between the parties (Article 95) [5];

(vi) supervision of the organization composed of producers of phonograms and designated by the Commissioner of the Agency for Cultural Affairs to receive payment for the secondary use of commercial phonograms; also determination of the amount of the payment for the secondary use of commercial phonograms in case of absence of agreement between the parties (Article 97) [6];

(vii) in matters relating to the functioning of mediation and other procedures in the settlement of disputes concerning the right provided in the Law (Article 111) [7];

(viii) determination of enterprises which make use of musical works for profit-making purposes and are amenable to the exercise of the performing rights of the authors of recorded musical works (Article 14 of the Supplementary Provisions) [8].

A single Cabinet Decree embracing all the matters stated above was promulgated on December 10, 1970, with effect from January 1, 1971. The Decree comprises 73 articles.

An Ordinance of the Ministry of Education was also promulgated on December 23, 1970, prescribing, *inter alia*, the following matters:

(i) qualification of members of the libraries permitted to make reproduction of works;

(ii) matters to be reported to the Commissioner of the Agency for Cultural Affairs in respect of broadcast ephemeral recordings such as designation of the program ephemerally recorded and the broadcasting organization concerned;

(iii) detailed forms and procedures for registration;

(iv) matters to be provided in the service regulation to be made by the entities designated by the Commissioner of the Agency for Cultural Affairs as competent to receive the compensation for the secondary use of phonograms.

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[1] *Copyright*, 1970, p. 56.
[2] *Ibid.*, 1966, p. 281.
[3] *Ibid.*, 1970, p. 53.
[4] *Ibid.*, 1970, p. 53.
[5] *Ibid.*, 1970, p. 54.
[6] *Ibid.*, 1970, p. 54.
[7] *Ibid.*, 1970, p. 54.
[8] *Ibid.*, 1970, p. 55.
[9] *Ibid.*, 1970, p. 55.

II. Incorporation of the Bill for the amendment of various laws to align them with the Copyright Law

The text of the above Bill is incorporated in the new Copyright Law in the form of Supplementary Provisions [9], instead of in a separate Bill as indicated in our previous "Letter". This was simply an amendment made to the new Copyright Bill by the Government prior to its submission to the Diet.

III. CATV Law

The new Copyright Law granted to a broadcasting organization the exclusive neighboring right to rebroadcast or diffuse by wire its broadcasts. However, in cases where the diffusion by wire of some broadcasts is obligatory under other laws or regulations, the right of the broadcasting organization is not operative in respect of such obligatory diffusion by wire (Article 99). Since the CATV Bill referred to in our previous "Letter" [10], which made obligatory the transmission of certain broadcasts by the wire diffuser, was not submitted to the last session of the Diet, the provisions of the above-mentioned Article will remain dormant for the time being.

IV. Organization of performers and organization of producers of commercial phonograms

These organizations, which will be competent to receive payment for the secondary use of commercial phonograms, will be created at any moment, in view of the necessity of prior negotiation before the entry into force of the new Law between the paying and receiving parties concerned regarding amount, mode and distribution of payment. Separate organizations for each of the respective fields will be designated by the Commissioner of the Agency for Cultural Affairs and established during the course of the current year.

V. International situation

The contents of the new Copyright Law conform exactly to the Berne Convention as revised at Brussels and will therefore enable Japan to adhere to the Convention at any time. It is not believed that the provisional and slight limitation of the performing rights of authors of recorded music resulting from the application of Article 14 of the Supplementary Provisions of the new Copyright Law will affect the possibility of accession to the Brussels Act of the Berne Convention. The temporary and provisional measures arise from the consideration that the principle of free use of recorded music, so long entrenched in Japan and recognized in the present Copyright Law, has to be abandoned as gradually as possible in the interests of the small users, such as barbershops, small coffee shops, etc., throughout the country.

As for the Rome Convention of 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, it will be some time before Japan accedes to this Convention in its present state, although the new Copyright Law conforms fully to its requirements and actually provides more extensive neighboring rights than the Convention.

VI. Technological innovations

The pace of technological development is such that the general revision work on the Copyright Law, which started in 1962, had still not managed to catch up by 1970, at the time of the new Law's enactment. In the meantime, further technical innovations affecting the use of copyright works have come into being: high-fidelity tape recorders, photo-duplication apparatus, computers, video-cassettes, space communication, CATV, etc. No comprehensive solution of the copyright problems arising from these innovations was undertaken when the new Copyright Law was designed since they are still in a state of flux and not sufficiently developed to admit specific legislation, whether national or international. This does not imply that the new Copyright Law is not an authoritative instrument when copyright problems arise in respect of these new techniques. General principles derived from the new Copyright Law would provide an adequate solution. For example, the old Copyright Law, which expired at the end of 1970, was permitting the free reproduction of published works provided that such reproduction was made by other than chemical or mechanical processes, without any intention of publishing it. This provision had not changed since the promulgation of the Law in 1899. Accordingly, the new Law has revised that provision and stipulates that the free reproduction of works in any manner is permitted if reproduction is made by the user himself and only for personal or family use or use in any other similar limited circle (Article 30). Reproductions of published works may be made by teachers in the course of their teaching activities in schools and other educational institutions (Article 35). These reproductions may be made by means of modern processes. However, being aware of the fact that the further development of reproduction devices might prejudice the interests of authors, the Copyright Council, the Government and the Diet expressed their concern that, in such an event, reconsideration of the Law would be necessary. This concern applies not only to the reproduction of works but also to the whole series of technological innovations referred to above. In view of the fact that progress is bringing new communication media one after another into everyday life, the Diet, when it passed the new Copyright Law, adopted a resolution calling for a study of the copyright aspects of these new innovations.

VII. Ratification of the Agreement on the importation of educational, scientific and cultural materials

On June 7, 1970, Japan ratified and promulgated the Agreement on the importation of educational, scientific and cultural materials. The ratification of this Agreement was welcomed by interested circles since it will go a long way towards the importation into the country of the materials in question.

[10] *Ibid.*, 1970, p. 56.

PART B

Jurisprudence

1. Map based on an existing map

The defendant produced more than twenty thousand copies of a world map authored by a scientist. The original map was created for the purposes of a world atlas made of veneers which could be inflated to make a globe. The scientist instituted proceedings for infringement of his copyright in the original map. The defendant contested the map's eligibility for copyright protection, saying that the original veneer map was elastic and devoid of stahility, and that the wording was in English, making it useful only as an ornament in Japanese family houses, and that therefore it did not constitute an artistic work. However, the Court held that when a map derived from existing maps showed the knowledge and experience of the compiler in the judgment and selection of materials and was presented in such a way as to be distinguishahle from other similar works and therefore to constitute an independent scientific or artistic work, it might be considered an original concretization of ideas and sentiments resulting from intellectual activity on the part of the compiler. The Court was referring here to the definition of a " work " in the Draft of the new Copyright Law. It rejected the opinion of an expert who douhted the originality of the map, and ruled that the map constituted a work eligihle for copyright protection in the sense mentioned ahove. The defendant was sentenced to imprisonment and a fine with payment of costs. (Tokyo District Court, May 31, 1969)

2. Public performance of musical works

A caharet in Osaka had heen playing musical works under the administration of JASRAC in terms of a contract with the latter, when it stopped the payment of the agreed copyright fee, prohably under the influence of the non-payment movement started by similar entertainment enterprises in western Japan. As a result of suits filed hy JASRAC, almost all of the delinquent entertainment enterprises, over 67 in numher, agreed to pay the musical copyright fees in accordance with the conciliation procedure recommended hy the Courts. The caharet mentioned ahove, however, stubhornly refused to ahide by the conciliation terms. JASRAC therefore filed suit with the Osaka District Court. The Court held that the caharet should pay the fee in arrears, with interest, in addition to a fine, and also banned it from using musical works under the administration of JASRAC. The cabaret appealed to the Osaka Higher Court, claiming *inter alia* that: (1) a fine of douhle the ordinary fee payable was extremely high, that such a settlement was contrary to puhlic order and morality which rendered the decision of the lower court regarding the fine null and void, and (2) the playing of the musical work was the responsihility of the orchestra itself in terms of its contract with the caharet, and not that of the cabaret itself. However, after investigating the Law on Intermediary Business concerning Copyrights and its tariff provisions as well as the circumstances of the case, the Appeal Court considered that the fine was just and not contrary to public order or morality. With regard to the relationship between the orchestra and the caharet, the Court considered that, since the playing of musical works was a source of profit for the caharet, the latter could not avoid liability in the dispute with JASRAC. (See also the prior decision below.) The Court upheld the decision of the lower Court and ordered the payment imposed by the latter, plus costs. (Osaka Higher Court, April 30, 1970)

3. Relationship between the entrepreneur and the orchestra employed

With regard to the legal relationship hetween an entrepreneur and the orchestra employed by the former in respect of performance of musical work, the Nagoya Higher Court ruled as follows in 1960 in an appeal involving an entrepreneur operating cabarets, dance halls and bars: " The appellant claims that performance in his place of husiness is the act of a third party — orchestras acting on their own initiative. However, the Court considers that the performance of musical works in those husiness premises constitutes an indispensable asset for the henefit of customers. Each orchestra is employed hy the entrepreneur for the performance of musical works on his instructions and according to his plans; the orchestra does not lease the husiness premises of the appellant, neither does it give an independent performance. Consequently, if the choice of musical works was in principle left to the orchestra, the appellant could, nevertheless, as the proprietor of the business, exercise his discretionary power in the choice of those musical works. Moreover, the appellant derives much profit and commercial advantage from the performance of music on his premises. Under these circumstances, it must he concluded that the use of musical works for the above purposes is the act of the appellant in his capacity as proprietor of the husiness. In the contract hetween the appellant and the orchestra there exists a clause specifying that the orchestra is responsihle for any claims which may he made hy any third parties. The appellant maintains that this clause indicates the independent status of the orchestra. The Court, however, considers that this provision has to he regarded as doing no more than regulate the internal relationship between the appellant and the orchestra; the existence of such a clause does not necessarily lead to the conclusion that the orchestra itself should he considered the user in respect of the performance of music. In view of the fact that the appellant offers musical entertainment in each of his places of husiness, which are frequented hy numerous customers constituting an unspecified public, it must be considered that he is giving a puhlic performance of musical works for a puhlic audience."

4. Public performance of musical works at EXPO 70

The EXPO 70 World Fair closed on September 13, 1970, after a tremendous success — it attracted more than 64,200,000 visitors. There was some difficulty at the outset in arriving at a satisfactory arrangement for the clearance of copyright royalties for the puhlic performance of musical works. The EXPO authorities readily accepted to pay royalties on the public performance of musical works carried out on their initiative and responsibility, for example in the Festival Square and EXPO Halls, but they declined such responsihility for musical works played in the exhibition pavilions

set up by individual participating countries, thus opposing the proposal of the Japanese collection society, JASRAC, that the royalties for all works played in the entire EXPO area be paid by the EXPO itself, on its overall responsibility as the organizer of the event. This had been the procedure followed at the previous EXPO in Montreal. JASRAC was therefore obliged to negotiate with individual delegations, more than eighty in number, with regard to performances in their respective pavilions. This gave rise to strong protests and representations on the part of all the delegations on the Exploitation Committee, which eventually decided that the payment of royalties should be effected on a comprehensive basis by the EXPO. It was not until a few weeks before the closing of the EXPO that the settlement described above was reached.

5. Olympic mark

The Japan Lantern Export Company asked the Tokyo District Court to issue the following injunction against the Japan Olympic Association and others: the Olympic Association and others should refrain from circulating information alleging the illicit distribution or advertisement by the Lantern Company of lanterns bearing the Olympic marks for the purposes of decoration and advertisement. The Lantern Company contested the eligibility for copyright protection of the Olympic mark on the grounds that it could not be considered an expression of thoughts or sentiments as in the case of works in the literary, scientific or artistic fields. The defendant maintained that the Japan Olympic Committee owned the copyright in the mark, and that therefore the Lantern Company might not use it without the consent of the Committee. The Court rejected the request for the injunction but at the same time considered that it was very difficult to confirm the eligibility to copyright protection of the Olympic mark, since it consisted merely of a line drawing. It added, however, that: (1) the concept of the protected work defined in the Copyright Law was a controversial subject and that there were growing tendencies to give it a broader interpretation, and (2) the Olympic mark, which symbolized the five continents of the world, had become generally recognized as a unique design. In the view of the Court, these facts seemed to substantiate the claim of the eligibility for copyright protection notwithstanding the negative considerations mentioned above. (Tokyo District Court, September 25, 1964)

6. Re-recording on magnetic tapes

A recording company provided a service which consisted of selling and leasing magnetic tapes on which musical works from commercial gramophone records were re-recorded. Some of these tapes were made at the request of business concerns and incorporated their commercial announcements, while others were made on the company's own initiative by simply recording musical works from gramophone records. For three years almost all the commercial record companies suffered to varying degrees from such illicit re-recording, which was carried on without their consent. These companies sued the defendant and the Osaka District Court sentenced the director of the re-recording company to a year's imprisonment with a stay of one year (1966). The sentence was upheld and confirmed by both the Appellate Court (1967) and the Supreme Court (1969). During the proceedings in the latter two courts, the defendant made the following somewhat strange claims: (i) the magnetic tapes in question were creations quite independent of the gramophone records embodying the musical works in that they differed in respect of technique, purpose and utility. The courts rejected these arguments; (ii) one of the objectives of the Copyright Law was to contribute to the development of social culture. Re-recording on magnetic tapes had been practised and tolerated quite extensively for a long time in consideration of socio-cultural requirements. To limit such re-recording was contrary to common practice and to the objectives of the Copyright Law. The court naturally rejected these arguments adduced by the defendant.

7. Marquis de Sade's "Juliette ou les prospérités du vice". Obscenity

A translator and a publisher were prosecuted for publishing a translation of the Marquis de Sade's *Juliette ou les prospérités du vice*, on a charge of distributing obscene books. The first lower court, Tokyo District Court, found the defendants not guilty (1962). But the Tokyo Higher Court, on a appeal by the Prosecutor, issued a verdict of guilty (1963). Finally, the Supreme Court confirmed and upheld the decision of the Appellate Court (1969). The following summary of the explanations given by the three courts is interesting:

The first lower court relied upon a previous decision made by the Supreme Court in the fifties in the case of *Lady Chatterley's Lover*[11]. In that case, the Supreme Court said that, for a book to be considered obscene in the sense of the Criminal Code, it had to fulfil three conditions: (i) wantonly inciting and stimulating the sexual urge; (ii) endangering the sexual outlook of adolescents, and (iii) contravening established standards of sexual morality. The lower court found that the book, while fulfilling the second and third of the above conditions, did not fulfil the first, as the subject was devoid of reality and so full of brutality and cruelty that it could not be considered to constitute wantonly inciting and stimulating the sexual urge.

The appellate Court reversed the decision of the lower court, stating that the incriminating parts (14 in all) were sufficiently descriptive to constitute wanton incitement and stimulation of sexual desire. It sentenced the publisher and translator to fines of 100,000 yen and 700,000 yen respectively.

The Supreme Court upheld the decision of the Appellate Court by a vote of 8 to 5, and rejected the appeal of the defendants, after having considered the question of the in-

[11] The publisher and the translator of *Lady Chatterley's Lover* were then prosecuted under the Criminal Code. The Tokyo District Court acquitted the translator but condemned the publisher, stating that "the book in question is not obscene in itself, but the use of gaudy advertisements and other methods of selling the books, without regard for the adverse effects these may have on the public, is a punishable offence".

The Tokyo Higher Court, on appeal, condemned also the translator, stating that there existed "excessive description despite so-called artistic value".

The Supreme Court rejected the demands of the two defendants and upheld the decision of the Appellate Court.

fringement of the principles of freedom of expression and freedom of study, guaranteed by the Constitution, which was alleged by the defendants. The essence of the majority opinion was as follows:

(a) Obscenity and artistic merit or ideological value belong to two different realms of thought and it is not impossible for the two to exist together. A charge of obscenity cannot be disputed on the grounds that the book in question is a work of art and therefore not obscene. Artistic value does not rule out obscenity. Consequently, Article 175 of the Criminal Code (distribution, sale and public exhibition of obscene literature) is applicable.

(b) Freedom of expression and freedom of study have to be compatible with any restrictions imposed in the interest of the welfare of the general public. Books of an obscene nature are subject to regulation by the law, and this is not contrary to Articles 21 (freedom of expression) and 23 (freedom of study) of the Constitution.

(c) Juliette ou les prospérités du vice describes sexual scenes too crudely and is thus devoid of any appeal to higher emotions. The treatment of the subject is unrealistic, too imaginative and sexual scenes are coupled with ugly scenes of cruelty. These descriptions might have presented theoretically different aspects distinguishable from ordinary pornographic descriptions, but, in this instance, the book was deemed sufficient to incite and stimulate the sexual urge of the ordinary reader, and this fact makes the book obscene in terms of the relevant provisions of the Criminal Code.

Yoshio NOMURA
Member of the Government Copyright Council

CALENDAR

WIPO Meetings

June 14 to 16, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

June 22 to 25, 1971 (Montreux) — WIPO Lecture Series: "Current Trends in the Field of Intellectual Property"
Participation open to all interested persons subject to payment of a registration fee

July 5 to 9, 1971 (Munich) — International Classification of Patents (IPC) — Working Group III of the Joint ad hoc Committee *

July 5 to 24, 1971 (Paris) — Diplomatic Conference for the Revision of the Berne Convention
Object: Revision of the Stockholm Act — *Invitations:* Member States of the Berne Union — *Observers:* Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned

September 6 to 10, 1971 (London) — International Classification of Patents (IPC) — Working Group IV of the Joint ad hoc Committee *

September 6 to 18, 1971 (Geneva) — Committee of Experts for the International Classification of Industrial Designs
Invitations: Member States of the Locarno Union — *Observers:* Member States of the Paris Union

September 13 to 17, 1971 (The Hague) — International Classification of Patents (IPC) — Working Group I of the Joint ad hoc Committee *

September 21 and 22, 1971 (Geneva) ** — WIPO Headquarters Building Subcommittee
Members: Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America

September 22 to 24, 1971 (Geneva) — ICIREPAT — Plenary Committee

September 27 to October 1, 1971 (Berne) — International Classification of Patents (IPC) — Working Group II of the Joint ad hoc Committee *

September 27 to October 2, 1971 (Geneva) — WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Committee of Directors of the National Property Offices of the Madrid Union, Council of the Lisbon Union, Assembly of the Locarno Union

October 4 to 9, 1971 (Geneva) — International Classification of Patents (IPC) — Working Group V of the Joint ad hoc Committee *

October 4 to 11, 1971 (Geneva) — Committee of Experts on International Registration of Marks
Object: Preparation of the Revision of the Madrid Agreement or of the Conclusion of a New Treaty — *Invitations:* Member States of the Paris Union and organizations concerned

October 11 to 15, 1971 (Geneva) — ICIREPAT — Technical Committee for Computerization

October 13 to 15, 1971 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

October 18 to 22, 1971 (Geneva) — ICIREPAT — Technical Committee for Shared Systems

October 18 to 29, 1971 (Geneva) — International Conference of States (Diplomatic Conference) on the Protection of Phonograms
Note: Meeting convened jointly with Unesco

* Meeting convened jointly with the Council of Europe.
** Dates to he confirmed later.

Octoher 25 to 29, 1971 (Geneva) — ICIREPAT — Technical Committee for Standardization

November 1 and 2. 1971 (Geneva) — Intergovernmental Committee Established hy the Rome Convention (Neighboring Rights)
Note: Meeting convened jointly with the International Lahour Office and Unesco

November 3 to 6. 1971 (Geneva) — Executive Committee of the Berne Union — Extraordinary Session

Novemher 9 to 12, 1971 (Geneva) — International Classification of Patents (IPC) — Bureau of the Joint ad hoc Committee *

Novemher 15 to 18, 1971 (Geneva) — International Classification of Patents (IPC) — Joint ad hoc Committee *

November 22 to 26. 1971 (Geneva) — Committee of Experts for the International Classification of the Figurative Elements of Marks
Invitations: Member States of the Nice Union — *Observers:* Member States of the Paris Union and international organizations concerned

Decemher 6 to 8, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Advisory Committee for Administrative Questions
Members: Signatory States of the PCT

December 8 to 10, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Standing Suhcommittee of the Interim Committee for Technical Cooperation
Members: Austria, Germany (Fed. Rep.), Japan, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil

Decemher 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

December 13 to 18. 1971 (Cairo) — Arab Seminar on Treaties Concerning Industrial Property
Object: Discussion on the principal multilateral treaties on industrial property and the WIPO Convention — *Invitations:* States members of the Arah League — *Observers:* Intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the Industrial Development Centre for Arab States (IDCAS)

* Meeting convened jointly with the Council of Europe.

Meetings of Other International Organizations concerned with Intellectual Property

June 28 to 30, 1971 (Berne) — International Patent Institute — Administrative Council

July 5 to 24, 1971 (Paris) — Unesco — Diplomatic Conference for the Revision of the Universal Copyright Convention

Septemher 9 and 10, 1971 (West Berlin) — International League Against Unfair Competition — Study Mission on German Restrictive Trade Practices Law

September 14 to 17. 1971 (Nice) — Union of European Patent Agents — General Assembly

Novemher 3 to 6, 1971 (Geneva) — Unesco — Intergovernmental Copyright Committee

International Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):

Septemher 13 to 17, 1971 — Working Party I

October 11 to 22, 1971 — Working Party I

November 15 to 19, 1971 — Working Party I

Novemher 29 to December 3. 1971 — Working Party II