

The answers to this questionnaire have been provided on behalf of:

Country: Japan

by

Name and contact information (including telephone and e-mail): Emiko ISHIDA (Ms.)
Intellectual Property Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs

Telephone: +81-3-5501-8350

e-mail: emiko.ishida@mofa.go.jp

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

Specific

Open

Mixed

Others, please describe: Though we only have specific statutory limitations and exceptions, we are currently holding discussions on introducing an open system of limitations and exceptions.

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

Yes

No

Partially, please describe: There are no special stipulations on the three-step test in the Copyright Act of Japan, but its principle is reflected in the act.

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

Yes

No

If yes, please describe: It is stipulated in Articles 31, 32, 35, 37, 37bis, 38(except for paragraph (5)), 39, 40, 41, 42, 42bis, 44, 45, 46, 47, 47bis, 44, 45, 46, 47, 47bis, 47ter, 47quater, 47quinquies, 47sexies, 47septies and 47octies of the Copyright Act of Japan.

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe: It is stipulated in Articles 30, 33, 33bis, 34, 36 and 38(5) of the Copyright Act of Japan..

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes
 No

Please describe: It is stipulated in Article 30 of the Copyright Act of Japan.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes
 No

If yes, please describe: A copyright levies system is stipulated in Article 104bis to Article 104decies of the Copyright Act of Japan.

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

- Yes
 No

If yes, please describe: _____
(Note) It is not stipulated in the Copyright Act of Japan. The judiciary makes judgments according to the intent of each of the stipulations on exceptions and limitations.

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes
 No

If yes, please describe: Partially yes. (e.g., Articles 30(3), 47ter, 47quinquies, 47sexies, etc.)

10. Does your national statute protect technological measures?

- Yes
 No

11. Does your national statute protect rights management information?

- Yes
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes
 No

If yes, please describe: _____

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: _____

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes
 No

If yes, please describe: _____

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes
 No

Please describe: “Limitations and exceptions for the reproduction, etc. by the owner of the reproduction of a computer program work” is stipulated in Article 47ter of the Copyright Act of Japan.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes
 No

Please describe: “Limitations and exceptions for temporary reproduction for the purpose of maintenance, repair, etc.” is stipulated in Article 47quater of the Copyright Act of Japan. Articles 47quinquies, 47sexies, 47septies, 47octies of the Copyright Act of Japan also stipulate limitations and exceptions for some kind of temporary use.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

Please describe: The Internet Service Provider (ISP) Act of Japan provides for limitations on the scope of the liability of ISP’s under certain circumstances.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes
 No

If yes, please describe: _____

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: _____

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

(Note) These documents are not based on the current Copyright Act of Japan. Please refer to an unofficial translation of the current Copyright Act of Japan: http://www.cric.or.jp/cric_e/clj/clj.html.

22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
 No

Please list them: Article 33 (Reproduction in school textbook, etc.), Article 33bis (Reproduction, etc. for preparing a large-print textbook, etc.), Article 34 (Broadcasting, etc. in school education programs), Article 35 (Reproduction, etc. in schools and other educational institutions (except those established for profit-making)) and Article 36 (Reproduction, etc. in examination questions) of the Copyright Law of Japan

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
- Distance education
- Both

Please list them: Article 34 provides for limitations on broadcasting, etc. in school education programs.

Article 35 provides for limitations on reproduction, etc. in schools and other educational institutions (except those established for the purpose of profit-making).

Article 36 provides for limitations on reproduction, etc. in examination questions.

On performances²

(Note) The Copyright Act of Japan includes limitations and exceptions for *performance, etc. not for profit-making*. Such limitation and exception are stipulated in Article 38.

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes
 No

If yes, please describe: _____

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes
 No

If yes, please describe: _____

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes
 No

If yes, please describe: _____

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions
- Others. Please describe: _____

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: _____

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: Article 35 of the Copyright Act of Japan provides for limitations on reproduction, etc. in schools and other educational institutions (except those established for the purpose of profit-making).

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography
 Digital copying
 Others. Please describe: _____

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes
 No

If yes, please describe: _____

(Note) Please refer to Article 35 of the Copyright Act of Japan. If these materials are for the purpose of use in the course of lessons, this Article is applicable.

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: _____

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: As long as such reproduction does not unreasonably prejudice the interests of the copyright owner in light of the nature and the purpose of the work as well as the number of copies and the form of the reproduction.

The source must be clearly indicated in a manner and to an extent deemed reasonable by the form of the reproduction or exploitation.

Use is not allowed for other purposes.

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: _____

(Note) Reproduction by teachers and students is permitted only for the activities related to not-for-profit educational institutions.

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: _____

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

Yes

No

If yes, please describe: _____

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: _____

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: As long as such translation does not unreasonably prejudice the interests of the copyright owner in light of the nature and the purpose of the work as well as the number of copies and the form of the translation.

The source must be clearly indicated in the manner and to the extent deemed reasonable by the form of the reproduction or exploitation.

Use is not allowed for other purposes.

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

(Note) Translations by teachers and students are permitted only for the activities related to not-for-profit educational institutions.

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: _____

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

Yes

No

(Note) The activities are permitted only in lessons held at the same time at a place other than that where the lessons are being taught.

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

Yes

No

If yes, please describe: _____

(Note) Please refer to Article 35 of the Copyright Act of Japan. If these materials are for the purpose of use in the course of lessons, this Article is applicable.

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

Yes

No

If yes, please describe: _____

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe: In the case of the exploitation of a work already made public, by offering or making public the original or copies of such work to those persons who are taking the lessons directly in the course of the lessons in the educational institutions, or in the case of the exploitation of such work by publicly performing, presenting or reciting it, it shall be permissible to make a public transmission (including making transmittable in cases of interactive transmissions) of such work intended for reception by those persons who are taking the lessons at the same time at a place other than that where the lessons are being taught; provided, however, that such transmission does not unreasonably prejudice the interests of the copyright owner in light of the nature and the purpose of the work as well as the form of the transmission.

The source must be clearly indicated in a manner and to an extent deemed reasonable by the form of the reproduction or exploitation.

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe: _____

(Note) The making available by teachers and students is permitted only for the activities related to not-for-profit educational institutions.

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe: _____

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
 No

If yes, please describe: _____

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
 No

(Note) Please refer to answer to Question 22.

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: _____

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

(Note) This document is not based on the current Copyright Act of Japan. Please refer to an unofficial translation of the current Copyright Law of Japan:
http://www.cric.or.jp/cric_e/clj/clj.html.

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes
 No

Please describe: Article 31 of the Copyright Act of Japan provides for limitations on reproduction in libraries, etc.

54. What types of works may be reproduced for these purposes?

Please describe: Library materials (books, documents and other materials held in the collections of libraries, etc.)

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe: It shall be permissible to reproduce a work included in library materials within the scope of the non-profit-making activities of the libraries, etc. where reproduction is necessary for the purpose of preserving the library materials.

It shall also be permissible for the National Diet Library to record on a recording medium a work included in its library materials, to the extent deemed necessary, in cases where an electro-magnetic record is made for public use as a substitute for the original included in its library materials, for the purpose of avoiding the destruction, the damage or the staining of such original though public use.

Use is not allowed for other purposes.

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes
 No

Please describe: Article 31(1) of the Copyright Act of Japan includes limitations on copying in libraries, etc.

58. What types of works may be reproduced for these purposes?

Please describe: Library materials (books, documents and other materials held in the collections of libraries, etc.)

59. Does your national statute include specific provisions regarding orphan works?

- Yes
 No

If yes, please describe: _____

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes
 No

If yes, please describe: _____

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: _____

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe: As answered to [About the Question 57, Copyright Act of Japan](#) has qualitative or quantitative limits as stipulated in Article 31(1) (except for subparagraph [□](#)).

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe: _____

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

Yes

No

Please describe: _____

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

(Note) This document is not based on the current Copyright Act of Japan. Please refer to an unofficial translation of the current Copyright Act of Japan:
http://www.cric.or.jp/cric_e/clj/clj.html.

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe: Limitations and exceptions for reproduction, etc. for the visually handicapped, etc. are stipulated in Article 37 of the Copyright Act of Japan.

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes
 No

Please describe: _____

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

70. What other conditions must be met in order for such uses to be authorized?

Please describe: (1) It shall be permissible to reproduce in braille a work already made public.

(2) It shall be permissible to record on a recording medium, or to make a public transmission (excluding broadcasting or wire diffusion, and including making transmittable in cases of interactive transmissions) of a work already made public, by means of a braille processing system using a computer.

(3) For a person, who conducts activities for the welfare of the visually handicapped and others who have a handicap in perceiving visual expressions, it shall be permissible to reproduce, or make an interactive transmission (including making transmittable) of, a work, already made public, which has been offered or made available to the public by means of visual perception (including means of visual perception and other perception), its expression (including another work which has been reproduced in the former work or which has been offered or made available to the public in a body united with the former work), by means of converting the written words of such visual work into oral words or by other means necessary for use by the visually handicapped, etc., and to an extent deemed necessary for use exclusively by the visually handicapped, etc. who have difficulty in utilizing such visual works by the former means.

The source must be clearly indicated in a manner and to an extent deemed reasonable by the form of the reproduction or exploitation.

Use is not allowed for other purposes.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe: _____
(Note) It is possible to import and export materials except for copyright infringement cases.

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
 No

Please describe: Article 37bis of the Copyright Act of Japan includes limitations on reproduction, etc. for the aurally handicapped, etc.

73. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe: _____

74. What other conditions must be met in order for such uses to be authorized?

Please describe: For a person, designated by a Cabinet Order according to the types of exploitation given in the following items, who conducts activities for the welfare of the aurally handicapped and others who have a handicap in perceiving aural expressions, it shall be permissible to make the exploitations, as is mentioned in the following items, of a work, already made public, which has been offered or made available to the public by means of aural perception (including means of aural perception and other of perception) and its expression (including another work which has been reproduced in the former work or which has been offered or made available to the public in a body united with the former work), to an extent deemed necessary for use exclusively by the aurally handicapped, etc. who have a difficulty in using such aural work through the former means:
(i) Reproduction or the making of interactive transmissions (including making transmittable) of aural words of such aural work, by means of converting such aural words into written words or by other means necessary for use by the aurally handicapped, etc.,
(ii) Reproduction of such aural work exclusively for the purpose of lending it for use by the aurally handicapped, etc. (only such reproduction as made together with that of aural words of such aural work by means of converting such aural words into written words or by other means necessary for use by the aurally handicapped, etc.).

The source must be clearly indicated in a manner and to an extent deemed reasonable by the form of the reproduction or exploitation.

Use is not allowed for other purposes.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes
 No

Please describe: _____

(Note) It is possible to import and export materials except for copyright infringement cases.

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes

No

Please describe: _____

77.

Does your national statute specify the formats that fall under this exception?

Yes

No

Please describe: _____

78. What other conditions must be met in order for such uses to be authorized?

Please describe: _____

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

Yes

No

Please describe: _____

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

Yes

No

If yes, please describe: _____

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

Please describe: _____

Part V: Religious, social and cultural exceptions

(Note) The Japanese Copyright Act includes limitations and exceptions for performance, etc not for profit-making. This is stipulated in Article 38.

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
 Cultural Activities
 Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
 No

If yes, please describe: _____

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
 No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: _____

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
 No

If yes, please describe: _____

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes
 No

If yes, please describe: _____

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes
 No

If yes, please describe: _____

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: _____

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes
 No

If yes, please describe: _____

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes
 No

If yes, please describe: [Civil]

Article 719 (2) of the Civil Code of Japan stipulates the liability of a person who incites or is an accessory to the perpetrator.

Article 112 of the Copyright Act of Japan stipulates the right of injunction vis-à-vis those persons who infringe this right. The "infringers" in this Article can include, to a certain extent, indirect infringers.

[Criminal]

Article 119 of the Copyright Act of Japan stipulates the criminal penalties for such infringers. The "infringers" in this Article can include, to a certain extent, indirect infringers.

Articles 60, 61 and 62 of the Penal Code of Japan stipulate certain types of accomplice, namely, co-principals, incitement and accessoryship.

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes
 No

If yes, please describe: The ISP Act of Japan provides for limitations on the scope of the liability of ISPs under certain circumstances. The Act exempts civil liability for ISPs in the following circumstances:

(a) It is technically impossible for the ISP to take measures to prevent the transmission of information; or

(b) The ISP does not know and does not have reasonable grounds to know that an act of infringement is occurring through the

circulation of certain information although knowing that the information is being circulated

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
- Caching infringing material
- Storing infringing material at the direction of a user
- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: The ISP Act of Japan does not categorize ISPs into “conduit”, “hosting”, “caching” or others. The Act provides for limitations on the scope of the liability of ISPs under certain circumstances. The Act exempts the civil liability of ISPs in the following circumstances:
 - (a) It is technically impossible for the ISP to take measures to prevent the transmission of information; or
 - (b) The ISP does not know and does not have reasonable grounds to know that an act of infringement is occurring through the circulation of certain information although knowing that the information is being circulated.

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

- Please specify: The ISP Act of Japan does not categorize ISPs into “conduit”, “hosting”, “caching” or others. The Act provides for limitations on the scope of the liability of ISPs under certain circumstances. The Act exempts civil liability for ISPs in the following circumstances:
- (a) It is technically impossible for the ISP to take measures to prevent the transmission of information; or
 - (b) The ISP does not know and does not have reasonable grounds to know that an act of infringement is occurring through the circulation of certain information although knowing that the information is being circulated.

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: _____

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- No

If yes, please describe: Please refer to answers to Questions 3 to 5.

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: _____

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.

[End of questionnaire]