

Comparison Table for the Abridged Act to Adjust Related Acts to Coordinate with the Conclusion of the Trans-Pacific Partnership Agreement and the Conclusion of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership

o Copyright Act (Act. No. 48 of 1970)

(Revised sections underlined)

Revised	Current
<p>(Definitions)</p> <p>Article 2 (1) For the purpose of this Act, the terms listed in the following items shall be defined as follows:</p> <p>(i) - (xix) (Omitted)</p> <p>(xx) "technological protection measures" means measures that use electronic means, magnetic means, or other means that cannot be perceived through the human senses (referred to as "electronic or magnetic means" in the following item <u>and item (xxii)</u>) to prevent or deter a person from engaging in an action that constitutes infringement of an author's moral rights or copyright as referred to in Article 17, paragraph (1), <u>of a print right</u>, of a performer's moral rights as referred to in Articles 89, paragraph (1), or of neighboring rights as referred to in Article 89, paragraph (6) (hereinafter referred to as a "copyright, etc." in this item, Article 30, paragraph (1), item (ii) and Article 120-2, item (i)) (detering such an action means deterring a person from engaging in an action that constitutes infringement of a copyright, etc. by causing a considerable barrier to arise as a result of such an action; the same applies in Article 30, paragraph (1), item (ii) (excluding any measure taken to prevent or suppress such an action that is not based on the intentions of the person that owns the copyright, etc.), and that are taken using signals to which a machine that can be used to exploit a work, performance, phonogram, broadcast, or <u>cablecast</u> (hereinafter referred to as a "work, etc.") will have</p>	<p>(Definitions)</p> <p>Article 2 (1) For the purpose of this Act, the terms listed in the following items shall be defined as follows:</p> <p>(i) - (xix) (Omitted)</p> <p>(xx)"technological protection measures" means measures that use electronic means, magnetic means, or other means that are impossible to perceive through the human senses (referred to as "electronic or magnetic means" in the following item) to prevent or deter a person from engaging in an action that constitutes infringement of an author's moral rights or copyright as referred to in Article 17, paragraph (1), of a performer's moral rights as referred to in Articles 89, paragraph (1), or of neighboring rights as referred to in Article 89, paragraph (6) (hereinafter in this item referred to as a "copyright, etc.") (detering such an action means deterring a person from engaging in an action that constitutes infringement of a copyright, etc. by causing a considerable barrier to arise as a result of such an action; the same applies in Article 30, paragraph (1), item (ii) (excluding means of preventing or suppressing such an action that are not based on the intentions of the person that owns the copyright, etc.), and that are taken using signals to which a machine that can be used to exploit a work, performance, phonogram, broadcast, or <u>cablecast (referred to as a "work, etc." in the following item)</u> has a specific reaction if the work, etc. is exploited (this includes if an action is taken that constitutes an infringement of</p>

a specific reaction if the work, etc. is exploited (this includes if an action is taken that constitutes an infringement of the moral rights of the author or performer when taken without the consent of the author or the performer), by recording such signals onto a recording medium along with the sounds or images of a work, performance, or phonogram, or by transmitting such signals along with the sounds or images of a broadcast or cablecast; or by converting the sounds or images of a work, performance, or phonogram and recording them onto a recording medium or converting the sounds or images of a broadcast or cablecast and transmitting them, so that a machine that can be used to exploit that work, etc. will need to make a specific conversion when the work, etc. is exploited;

(xxi) "technological exploitation restriction measures" means measures that use electronic or magnetic means to restrict a work, etc. from being viewed or listened to (or from being exploited on a computer, if it is a work of computer programming; the same applies hereinafter in this item and Article 113, paragraph (3)) (excluding any measure taken to restrict this that is not based on the intentions of the copyright owner, the owner of print rights, or the owner of neighboring rights (hereinafter referred to as "the owner of the copyright, etc.")), and that are taken using signals to which a machine that can be used to view or listen to a work, etc. will have a specific reaction if the work, etc. is viewed or listened to, by recording such signals onto a recording medium along with the sounds or images of a work, performance, or phonogram; by transmitting such signals along with the sounds or images of a broadcast or cablecast; or by converting the sounds or images of a work, performance, or

the moral rights of the author or performer when taken without the consent of the author or the performer), by recording such signals onto a recording medium along with the sounds or images of a work, performance, or phonogram, or by transmitting such signals along with the sounds or images of a broadcast or cablecast;

(New)

<p><u>phonogram and recording them onto a recording medium or converting the sounds or images of a broadcast or cablecast and transmitting them, so that a machine that can be used to exploit that work, etc. will need to make a specific conversion when the work, etc. is viewed or listened to;</u></p>	
<p>(xxii) -(xxiv) (Omitted)</p>	<p>(xxi) -(xxiii) (Omitted)</p>
<p>(2) - (9) (Omitted)</p>	<p>(2) - (9) (Omitted)</p>
<p>(The term of protection, in general)</p>	<p>(The term of protection, in general)</p>
<p>Article 51 (1) (Omitted)</p>	<p>Article 51 (1) (Omitted)</p>
<p>(2) Unless otherwise specified in this Section, a copyright subsists for a period of <u>seventy</u> years after the death of the author (or the death of the last surviving co-author, for a joint work; the same applies in paragraph (1) of the next Article).</p>	<p>(2) Unless otherwise specified in this Section, a copyright subsists for a period of <u>fifty</u> years after the death of the author (or the death of the last surviving co-author, for a joint work; the same applies in paragraph (1) of the next Article).</p>
<p>(The term of protection for an anonymous or pseudonymous work)</p>	<p>(The term of protection for an anonymous or pseudonymous work)</p>
<p>Article 52 (1) The copyright to an anonymous or pseudonymous work subsists for a period of <u>seventy</u> years after the work is made public; provided, however, that if, before the expiration of a duration of copyright for an anonymous or pseudonymous work, it is found that <u>seventy years</u> have elapsed since the death of the author of that work, the copyright is deemed to have expired at the time that is found to constitute the expiration of <u>seventy years</u> since the death of the author.</p>	<p>Article 52 (1) The copyright to an anonymous or pseudonymous work subsists for a period of <u>fifty</u> years after the work is made public; provided, however, that if, before the expiration of a duration of copyright for an anonymous or pseudonymous work, it is found that <u>fifty years</u> have elapsed since the death of the author of that work, the copyright is deemed to have expired at the time that is found to constitute the expiration of <u>fifty years</u> since the death of the author.</p>
<p>(2) (Omitted)</p>	<p>(2) (Omitted)</p>
<p>(The term of protection for works attributed to an organization)</p>	<p>(The term of protection for works attributed to an organization)</p>
<p>Article 53 (1) The copyright to a work whose authorship is attributed to a corporation or other organization subsists for a period of <u>seventy years</u> after the work is made public (or for a period of <u>seventy years</u> after the creation of the work, if the</p>	<p>Article 53 (1) The copyright to a work whose authorship is attributed to a corporation or other organization subsists for a period of <u>fifty years</u> after the work is made public (or for a period of <u>fifty years</u> after the creation of the work, if the work is not made</p>

<p>work is not made public within <u>seventy years</u> of its creation).</p> <p>(2) - (3) (Omitted)</p> <p>(Calculation of the term of protection)</p> <p>Article 57 In calculating the end of the <u>seventy-year</u> period following the death of the author; or the <u>seventy-year</u> period after a work is made public or created, in a case referred to in Article 51, paragraph (2); Article 52, paragraph (1); Article 53, paragraph (1); or Article 54, paragraph (1), the starting point for the calculation is the year after the year in which the author dies or the work is made public or created.</p> <p>(Secondary use of commercial phonograms)</p> <p>Article 95 (1) If a broadcaster or cablecaster (hereinafter in this Article and Article 97, paragraph (1) referred to as a "broadcaster, etc.") makes a broadcast or cablecast using a commercial phonogram (<u>including phonograms made available for transmissions; same applies in Article 97, paragraphs (1) and (3)</u>) onto which the sound of a performance has been recorded with the authorization of the owner of the right provided for in Article 91, paragraph (1) (unless it receives a broadcast transmission and makes a cablecast simultaneously, for non-commercial purposes and without charging a fee to the listening or viewing audience), it must pay a secondary use fee to the performer whose performance it is (but only a for a performance referred to in Article 7, items (i) to (v) and during the lifetime of the neighboring rights; the same applies in the next paragraph to paragraph (4)).</p> <p>(2) - (14) (Omitted)</p> <p>(The term of protection for performances, phonograms, broadcasts, and cablecasts)</p>	<p>public within <u>fifty years</u> of its creation).</p> <p>(2) - (3) (Omitted)</p> <p>(Calculation of the term of protection)</p> <p>Article 57 In calculating the end of the <u>fifty-year</u> period following the death of the author; the <u>fifty-year</u> period after a work is made public or created; or the seventy-year period after a work is made public or created, in a case referred to in Article 51, paragraph (2); Article 52, paragraph (1); Article 53, paragraph (1); or Article 54, paragraph (1), the starting point for the calculation is the year after the year in which the author dies or the work is made public or created.</p> <p>(Secondary use of commercial phonograms)</p> <p>Article 95 (1) If a broadcaster or cablecaster (hereinafter in this Article and Article 97, paragraph (1) referred to as a "broadcaster, etc.") makes a broadcast or cablecast using a commercial phonogram onto which the sound of a performance has been recorded with the authorization of the owner of the right provided for in Article 91, paragraph (1) (unless it receives a broadcast transmission and makes a cablecast simultaneously, for non-commercial purposes and without charging a fee to the listening or viewing audience), it must pay a secondary use fee to the performer whose performance it is (but only a for a performance referred to in Article 7, items (i) to (v) and during the lifetime of the neighboring rights; the same applies in the next paragraph to paragraph (4))</p> <p>(2) - (14) (Omitted)</p> <p>(The term of protection for performances, phonograms, broadcasts, and cablecasts)</p>
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Article 101 (1) (Omitted)

- (2) The duration of neighboring rights expires at the following times:
- (i) for a performance, once seventy years have passed, counting from the year after that in which the performance takes place;
 - (ii) for a phonogram, once seventy years have passed, counting from the year after that in which the phonogram is published (or once seventy years have passed counting from the year after that in which the sounds are first fixed in a phonogram, if the work is not published within seventy years counting from the year after that in which the sounds are first fixed in a phonogram);
 - (iii) - (iv) (Omitted)

(Acts deemed to constitute infringement)

Article 113 (1) (Omitted)

(2) (Omitted)

(3) Circumventions of technological exploitation restriction measures (meaning making the viewing and listening of works, etc. restricted by technological exploitation restriction measures possible by hindering the effects of such technological exploitation restriction measures (excluding cases where such circumventions are conducted based on the intent of the owner of the copyright, etc.); the same applies in Article 120-2, items (i) and (ii)) are deemed to constitute infringements of copyrights, print rights, or the neighboring rights pertaining to such technological exploitation restriction measures unless they are conducted to the extent justified for the purpose of performing researches or developing technologies in relation to technological exploitation restriction measures or otherwise do not harm the interests of the owner of the copyright, etc.

(4) (Omitted)

Article 101 (1) (Omitted)

- (2) The duration of neighboring rights expires at the following times:
- (i) for a performance, once fifty years have passed, counting from the year after that in which the performance takes place;
 - (ii) for a phonogram, once fifty years have passed, counting from the year after that in which the phonogram is published (or once fifty years have passed counting from the year after that in which the sounds are first fixed in a phonogram, if the work is not published within fifty years counting from the year after that in which the sounds are first fixed in a phonogram);
 - (iii) - (iv) (Omitted)

(Acts deemed to constitute infringement)

Article 113 (1) (Omitted)

(2) (Omitted)

(New)

(3) (Omitted)

(5) With regard to the application of the provisions of the preceding paragraph, the right to receive the remuneration provided for in Article 94-2; Article 95-3, paragraph (3); and Article 97-3, paragraph (3) and the right to receive the secondary use fees provided for in Article 95, paragraph (1) and Article 97, paragraph (1) are deemed to be neighboring rights. In this case, in the preceding Article, the phrase "owner of neighboring rights" is deemed to be replaced with "owner of neighboring rights (including the owner of rights deemed to be neighboring rights pursuant to the provisions of paragraph (5) of the following Article)", and in paragraph (1) of the preceding Article, the phrase "neighboring rights" is deemed to be replaced with "neighboring rights (including the rights deemed to be neighboring rights pursuant to the provisions of paragraph (5) of the following Article)".

(6) - (7) (Omitted)

(Presumption of the amount of damage)

Article 114 (1) If the owner of the copyright, etc. claims compensation for damage incurred due to infringement, against a person that, intentionally or due to negligence, infringes the owner's copyright, print rights, or neighboring rights, and the infringer has transferred an object that was made through the relevant act of infringement or has made a transmission to the public (or has made the relevant work or performance available for transmission, if the object has been transmitted to the public via automatic public transmission) that constitutes an act of infringement, the amount calculated by multiplying the number of objects so transferred or the number of copies of the work or performance, etc. that have been made as a result of the public's receipt of that transmission to the public (hereinafter in this paragraph, copies so received are referred to

(4) With regard to the application of the provisions of the preceding paragraph, the right to receive the remuneration provided for in Article 94-2; Article 95-3, paragraph (3); and Article 97-3, paragraph (3) and the right to receive the secondary use fees provided for in Article 95, paragraph (1) and Article 97, paragraph (1) are deemed to be neighboring rights. In this case, in the preceding Article, the phrase "owner of neighboring rights" is deemed to be replaced with "owner of neighboring rights (including the owner of rights deemed to be neighboring rights pursuant to the provisions of paragraph (4) of the following Article)", and in paragraph (1) of the preceding Article, the phrase "neighboring rights" is deemed to be replaced with "neighboring rights (including the rights deemed to be neighboring rights pursuant to the provisions of paragraph (4) of the following Article)".

(5) - (6) (Omitted)

(Presumption of the amount of damage)

Article 114 (1) If a copyright owner, the owner of print rights, or the owner of neighboring rights (hereinafter in this paragraph referred to as "the owner of the copyright, etc.") claims compensation for damage incurred due to infringement, against a person that, intentionally or due to negligence, infringes the owner's copyright, print rights, or neighboring rights, and the infringer has transferred an object that was made through the relevant act of infringement or has made a transmission to the public (or has made the relevant work or performance available for transmission, if the object has been transmitted to the public via automatic public transmission) that constitutes an act of infringement, the amount calculated by multiplying the number of objects so transferred or the number of copies of the work or performance, etc. that have

as "copies transmitted and received" and the number of objects so transferred or of copies transmitted and received is referred to as the "number transferred, etc."), by the amount of profit per unit from objects (including copies transmitted and received) that the owner of the copyright, etc. could have sold if there had been no act of infringement, may be fixed as the amount of damage that the owner of the copyright, etc. has incurred, within the limits of an amount proportionate to the ability of the owner of the copyright, etc. to sell said objects or engage in other related acts; provided, however, that if there are circumstances due to which the owner of the copyright, etc. would have been unable to sell a number of objects equivalent to all or part of the number transferred, etc., an amount proportionate to the number of objects corresponding to such circumstances is deducted from the amount of damage thus calculated. provided, however, that if there are circumstances due to which the owner of the copyright, etc. would have been unable to sell a number of objects equivalent to all or part of the number transferred, etc., an amount proportionate to the number of objects corresponding to such circumstances is deducted from the amount of damage thus calculated.

(2) - (3) (Omitted)

(4) If the copyright owner or owner of neighboring rights claim compensation for damage against a person that infringes the owner's copyright or neighboring rights pursuant to the provisions of the preceding paragraph and such copyright or neighboring rights are managed by a copyright manager provided for in Article 2, paragraph (3) of the Copyright Management Business Act (Act No. 131 of 2000) under a management entrustment

been made as a result of the public's receipt of that transmission to the public (hereinafter in this paragraph, copies so received are referred to as "copies transmitted and received" and the number of objects so transferred or of copies transmitted and received is referred to as the "number transferred, etc."), by the amount of profit per unit from objects (including copies transmitted and received) that the owner of the copyright, etc. could have sold if there had been no act of infringement, may be fixed as the amount of damage that the owner of the copyright, etc. has incurred, within the limits of an amount proportionate to the ability of the owner of the copyright, etc. to sell said objects or engage in other related acts; provided, however, that if there are circumstances due to which the owner of the copyright, etc. would have been unable to sell a number of objects equivalent to all or part of the number transferred, etc., an amount proportionate to the number of objects corresponding to such circumstances is deducted from the amount of damage thus calculated.

(2) - (3) (Omitted)

(New)

agreement provided for in Article 2, paragraph (1) of the said Act, the copyright owner or owner of neighboring rights may fix the amount provided for in the preceding paragraph by calculating the amount of royalties of the works, etc. related to such copyright or neighboring right based on the provision applicable to the circumstances of exploitation of the works, etc. concerning the infringement act set forth in the royalty rules determined by the copyright manager pursuant to Article 13, paragraph (1) of the Copyright Management Business Act (in cases where there are several methods to calculate such amount, the largest amount among the amounts calculated in accordance with the methods shall be applied).

(5) The provisions of the paragraph (3) do not preclude any claim to compensation for damage in excess of the amount referred to therein. In such a case, the court may consider the absence of intent or gross negligence by the person that infringed the copyright or neighboring rights, in fixing the amount of compensation for the damage.

(Measures to protect the author's or performer's moral interests posthumously)

Article 116 (1) (Omitted)

(2) (Omitted)

(3) An author or performer, in a will, may designate the person that is permitted to file the claim referred to in paragraph (1) on behalf of the surviving family members. In this case, the designated person may not file such a claim once seventy years have passed, counting from the year after that in which the author or performer dies (or, if surviving family members are still alive at such a time, the designated person may not file such a claim once there are no longer any surviving family members).

(4) The provisions of the preceding paragraph do not preclude any claim to compensation for damage in excess of the amount referred to therein. In such a case, the court may consider the absence of intent or gross negligence by the person that infringed the copyright or neighboring rights, in fixing the amount of compensation for the damage.

(Measures to protect the author's or performer's moral interests posthumously)

Article 116 (1) (Omitted)

(2) (Omitted)

(3) An author or performer, in a will, may designate the person that is permitted to file the claim referred to in paragraph (1) on behalf of the surviving family members. In this case, the designated person may not file such a claim once fifty years have passed, counting from the year after that in which the author or performer dies (or, if surviving family members are still alive at such a time, the designated person may not file such a claim once there are no longer any surviving family members).

<p>Article 119 (1) A person that infringes a copyright, print rights, or neighboring rights (other than one that personally reproduces a work or performance, etc. for the purpose of private use as referred to in Article 30, paragraph (1) (including as applied mutatis mutandis pursuant to Article 102, paragraph (1); same applies in paragraph (3)); one whose action is deemed to constitute infringement of a copyright, print rights, or neighboring rights pursuant to the provisions of Article 113, paragraph (3); one whose action is deemed to <u>constitute infringement of a copyright or neighboring rights (including rights deemed to be neighboring rights pursuant to the provisions of Article 113, paragraph (5); the same applies in Article 120-2, item (iii)) pursuant to the provisions of Article 113, paragraph (4);</u> one whose action is deemed to constitute infringement of a copyright or neighboring rights pursuant to the provisions of <u>Article 113, paragraph (6);</u> or a person set forth in item (iii) or (iv) of the following paragraph) is subject to imprisonment for a term of up to ten years, a fine of up to ten million yen, or both.</p> <p>(2) A person falling under any of the following items is subject to imprisonment for a term of up to five years, a fine of up to five million yen, or both:</p> <p>(i) a person that infringes the moral rights of an author or the moral rights of a performer (other than one whose action is deemed to constitute infringement of an author's moral rights or a performer's moral rights pursuant to the provisions of <u>Article 113, paragraph (4);</u></p> <p>(ii) - (iv) (Omitted)</p> <p>(3) A person that infringes a copyright or neighboring rights by digitally recording sounds or visuals for the purpose of private use as referred to in Article 30, paragraph (1) of <u>fee-based recorded works, etc.</u> (sound or visual recordings of works or</p>	<p>Article 119 (1) A person that infringes a copyright, print rights, or neighboring rights (other than one that personally reproduces a work or performance, etc. for the purpose of private use as referred to in Article 30, paragraph (1) (including as applied mutatis mutandis pursuant to Article 102, paragraph (1)); one whose action is deemed to constitute infringement of a copyright or neighboring rights (including rights deemed to be <u>neighboring rights pursuant to the provisions of Article 113, paragraph (4);</u> the same applies in Article 120-2, item (iii)) pursuant to the provisions of Article 113, paragraph (3); one whose action is deemed to constitute infringement of a copyright or neighboring rights pursuant to the provisions of Article 113, paragraph (5); or a person set forth in item (iii) or (iv) of the following paragraph) is subject to imprisonment for a term of up to ten years, a fine of up to ten million yen, or both.</p> <p>(2) A person falling under any of the following items is subject to imprisonment for a term of up to five years, a fine of up to five million yen, or both:</p> <p>(i) a person that infringes the moral rights of an author or the moral rights of a performer (other than one whose action is deemed to constitute infringement of an author's moral rights or a performer's moral rights pursuant to the provisions of <u>Article 113, paragraph (3);</u></p> <p>(ii) - (iv) (Omitted)</p> <p>(3) A person that infringes a copyright or neighboring rights by digitally recording sounds or visuals for the purpose of private use as referred to in Article 30, paragraph (1) of <u>fee-based works, etc.</u> (sound or visual recordings of works or performances, etc.</p>
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performances, etc. (limited to those that are the subject of copyrights or neighboring rights) offered or presented to the public for value (limited to those that are offered or presented to the public without infringing any copyrights or neighboring rights)) that are transmitted to the public via automatic public transmissions which infringe copyrights or neighboring rights (including automatic public transmissions conducted abroad that shall infringe copyrights or neighboring rights if conducted in Japan), knowing that such automatic public transmission constitutes such infringement, is subject to imprisonment for a term of up to two years, a fine of up to two million yen, or both.

Article 120-2 A person falling under one of the following items is subject to imprisonment for a term of up to three years, a fine of up to three million yen, or both:

(i) a person that transfers or rents to the public, that manufactures, imports, or possesses for the purpose of transferring or renting to the public, or that offers for public use, a device with a function that circumvents technological protection measures or technological exploitation restriction measures (including an easily assemblable set of parts for such a device) or copies of a computer program with a function that circumvents technological protection measures or technological exploitation restriction measures, or a person that transmits to the public or makes available for transmission such a computer program (if the device or program has functions other than such circumvention functions, this item shall be applicable only when the device or program is used to enable infringements of copyrights, etc. through the circumvention of technological protection measures or to enable

(limited to those that are the subject of copyrights or neighboring rights) offered or presented to the public for value (limited to those that are offered or presented to the public without infringing any copyrights or neighboring rights)) that are transmitted to the public via automatic public transmissions which infringe copyrights or neighboring rights (including automatic public transmissions conducted abroad that shall infringe copyrights or neighboring rights if conducted in Japan), knowing that such automatic public transmission constitutes such infringement, is subject to imprisonment for a term of up to two years, a fine of up to two million yen, or both.

Article 120-2 A person falling under one of the following items is subject to imprisonment for a term of up to three years, a fine of up to three million yen, or both:

(i) a person that transfers or rents to the public, that manufactures, imports, or possesses for the purpose of transferring or renting to the public, or that offers for public use, a device with a function that circumvents technological protection measures (including an easily assemblable set of parts for such a device) or copies of a computer program with a function that circumvents technological protection measures, or a person that transmits to the public or makes available for transmission such a computer program (if the device or program has functions other than such circumvention functions, this item shall be applicable only when the device or program is used to enable infringements of copyrights, etc. through the circumvention of technological protection measures);

<p><u>acts deemed to constitute infringements of copyrights, print rights, or the neighboring rights prescribed in the provisions of Article 113, paragraph (3) through the circumvention of technological exploitation restriction measures);</u></p> <p>(ii) a person that, in the course of trade, circumvents technological protection measures <u>or technological exploitation restriction measures</u> at the request of the public;</p> <p>(iii) a person that, for commercial purposes, engages in an action that is deemed to constitute infringement of an author's moral rights, a copyright, a performer's moral rights, or neighboring rights pursuant to the provisions of <u>Article 113, paragraph (4);</u></p> <p>(iv) a person that, for commercial purposes, engages in an action that is deemed to constitute an infringement of a copyright or neighboring rights pursuant to the provisions of <u>Article 113, paragraph (6).</u></p> <p>Article 121-2 A person that reproduces, as a commercial phonogram, a commercial phonogram as set forth in either of the following items (or a copy of such a commercial phonogram (this includes a copy that is two or more intervening reproductions out of the commercial phonogram)), distributes copies of a commercial phonogram so reproduced, possesses such copies for the purpose of distribution, or offers to distribute such copies (except for a person that engages in the relevant reproduction, distribution, possession, or offer after <u>seventy years</u> have passed, counting from the year after that in which the sound is first fixed into the master referred to in the relevant item) is subject to imprisonment for a term of up to one year, a fine of up to one million yen, or both:</p> <p>(i) - (ii) (Omitted)</p>	<p>(ii) a person that, in the course of trade, circumvents technological protection measures at the request of the public;</p> <p>(iii) a person that, for commercial purposes, engages in an action that is deemed to constitute infringement of an author's moral rights, a copyright, a performer's moral rights, or neighboring rights pursuant to the provisions of <u>Article 113, paragraph (3);</u></p> <p>(iv) a person that, for commercial purposes, engages in an action that is deemed to constitute an infringement of a copyright or neighboring rights pursuant to the provisions of <u>Article 113, paragraph (5).</u></p> <p>Article 121-2 A person that reproduces, as a commercial phonogram, a commercial phonogram as set forth in either of the following items (or a copy of such a commercial phonogram (this includes a copy that is two or more intervening reproductions out of the commercial phonogram)), distributes copies of a commercial phonogram so reproduced, possesses such copies for the purpose of distribution, or offers to distribute such copies (except for a person that engages in the relevant reproduction, distribution, possession, or offer after <u>fifty years</u> have passed, counting from the year after that in which the sound is first fixed into the master referred to in the relevant item) is subject to imprisonment for a term of up to one year, a fine of up to one million yen, or both:</p> <p>(i) - (ii) (Omitted)</p>
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paragraph means works or performances, etc. (limited to those that are the subject of copyrights, print rights or neighboring rights) offered or presented to the public for value (excluding offerings or presentations that infringe copyrights, print rights or neighboring rights (as for offerings or presentations conducted abroad, those which shall infringe these rights if conducted in Japan)).

(4) The publisher of an anonymous or a pseudonymous work may file an accusation in connection with an offense referred to in paragraph (1) involving such a work; provided, however that this does not apply in the case specified in the proviso to Article 118, paragraph (1), or if the accusation is contrary to the express will of the author.

Supplementary Provisions

(Transitional measures for neighboring rights)

Article 15 (1) (Omitted)

(2) Notwithstanding the provisions of Article 101 of the new Act, if the day on which the duration of copyright expires under the former Act is after the day on which the duration expires under the provisions of Article 101 of the new Act, the duration of neighboring rights linked to a performance or phonogram which is provided for in the preceding paragraph and for which a copyright under the former Act exists at the time this Act comes into effect, is until the day on which the duration of copyright expires under the former Act (or, if this falls after the day that marks the passage of seventy years counting from the day on which this Act comes into effect, the duration of such neighboring rights is until the day that marks the passage of those seventy years).

(3) - (4) (Omitted)

work may file an accusation in connection with an offense referred to in the preceding paragraph involving such a work; provided, however that this does not apply in the case specified in the proviso to Article 118, paragraph (1), or if the accusation is contrary to the express will of the author.

Supplementary Provisions

(Transitional measures for neighboring rights)

Article 15 (1) (Omitted)

(2) Notwithstanding the provisions of Article 101 of the new Act, if the day on which the duration of copyright expires under the former Act is after the day on which the duration expires under the provisions of Article 101 of the new Act, the duration of neighboring rights linked to a performance or phonogram which is provided for in the preceding paragraph and for which a copyright under the former Act exists at the time this Act comes into effect, is until the day on which the duration of copyright expires under the former Act (or, if this falls after the day that marks the passage of fifty years counting from the day on which this Act comes into effect, the duration of such neighboring rights is until the day that marks the passage of those fifty years).

(3) - (4) (Omitted)