

**Updates from Japan
March 2007**

1. Current issues in Japan

2006 Amendments to the Japanese Copyright Law

The amendments to the Japanese Copyright Law in 2006 (passed on 15 December 2006) include the three main points, namely 1) IP multicast broadcasting, 2) limitation on Copyright, and 3) enforcement.

1) IP multicasts broadcasting

- Elimination of the exclusive rights of performers and sound recording producers over simultaneous retransmission over networks via IP multicasting. Introduction of the compulsory compensation system for commercial multicasting to performers and sound recording producers at the same time (Article 102 (3)-(5) related) (NOTE: in the case of non-commercial retransmission via multicasting, no exclusive rights)
- Creation of a remuneration right of performers and sound recording producers over simultaneous retransmission over networks via cable broadcasting. (Article 94*bis* (new), Article 95(1), Article 97(1) related)

2) Limitations on Copyright (new limitations)

- Public transmission via wireless LAN within the same premise (excluded from the scope of the "public transmission") (Article 2(1) related)
- Public transmission of sound recordings for the visually handicapped by braille libraries (Article 37(3) related)
- Reproduction for submission of documents required for patent examination and pharmaceutical administration processes. (Article 42(2) related)
- Temporary reproduction for maintenance and repair of hardware (Article 47*ter* related)

3) Enforcement

- Enforcement on importation or possession for importation of pirated works (Article 113 related)
- Increase penalties on copyright infringements (Articles 119(1) and 124)

2. ALAI-Japan activities

Japanese ALAI group held its annual study day in December 2006 at the Sensyu University Law School in Tokyo with active participation of many members. The first part of the study day covered a reflection of 2006 ALAI Study Day in Barcelona. Three speakers including Professor Toyohiro Nomura of the Gakusyuin University, who was a penal speaker at the Barcelona meeting, shared their learning and thoughts to other members, who were not able to participate in the meeting.

The second part of the study day was entitled as "Plage Summit" focusing on a German gentleman, named Dr. Wilhelm Plage, who made a sensational campaign in pre-war Japan (1930' onward). With invited speakers inside and outside of Japan, including Professor Prof. Frank Gotzen of Belgium and Dr. Peter Ganea of the Max Planck Institute, discussed historical aspects of the Japanese Copyright Law as well as cultural and legal norms of the copyright of Japanese people and society in that era.

ALAI-Japan also published its proceedings of the ALAI-JAPAN study day in 2005 and distributed to all ALAI-JAPAN members.

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