

After the death of the author, a relative of the author may, against a person who has committed an act in breach of the provisions of Article 18, take steps to have the deceased ascertained as the author or ask for correction or some other disposition suitable for recovering the author's fame and reputation.

In respect of a civil action under the preceding two Paragraphs, the provisions of the preceding two Articles shall be applied, mutatis mutandis.

ARTICLE 36. (3) The Copyright Investigation Council shall be established in order to respond to inquiries from the competent Minister on the amount of indemnity under the provisions of Article 22 (5), Paragraph 2 or Article 27, Paragraph 2.

The constitution of the Copyright Investigation Council shall be fixed by an Imperial Ordinance.

#### CHAPTER IV.

##### PENAL PROVISIONS

ARTICLE 37. A person who has pirated a work, or a person who had sold or circulated a pirated work, knowing the fact, shall be liable to a fine of between ¥ 50 and ¥ 500.

ARTICLE 38. A person who has violated the provisions of Article 18 shall be liable to a fine of between ¥ 30 and ¥ 300.

ARTICLE 39. A person who has effected reproduction without indicating clearly its source in breach of the provisions of Article 20, Article 20 (2) and Article 30, Paragraph 2, and a person who has violated the provisions of Article 13, Paragraph 4 shall be liable to a fine not exceeding ¥ 100.

ARTICLE 40. A person who has published a work stating as the author the name and title of a person who is not the author shall be liable to a fine of between ¥ 30 and ¥ 500.

ARTICLE 41. Deleted.

ARTICLE 42. A person in whose favour a false registration has been effected, shall be liable to a fine not exceeding ¥ 100.

ARTICLE 43. A pirated work and the machines and tools chiefly used for the production of the pirated work shall be confiscated only when they are still owned by the pirate author, printer, seller or circulator.

ARTICLE 44. Crimes provided for in this Chapter shall be inquired into at the prosecution of the injured party; provided, however, that cases under Article 38 when the author is dead and cases under Article 40 -42 are excepted.

ARTICLE 45. Prescription for public prosecution of the crimes under this Chapter shall be completed by the expiration of two years.

#### CHAPTER V.

##### SUPPLEMENTARY PROVISIONS

ARTICLE 46. The date of enforcement of this Law shall be fixed by an Imperial Ordinance. (This Law enforced as from July 15, 1899, by Imperial Ordinance No. 313 of 1899.)

The Copyright Act, Law No. 16, 1893: to Dramatic Work and Musical Composition Act, Imperial Ordinance No. 78, 1887; and the Copyright of Photograph Act, Imperial Ordinance No. 79, shall be abolished from the date of enforcement of this Law.

ARTICLE 47. A work for which copyright does not cease to exist before the enforcement of this Law, shall enjoy protection under this Law after the date of enforcement of this Law.

ARTICLE 48. A reproduced work which has not been recognized as a pirated work and which has already been reproduced or commenced to be reproduced before the enforcement of this law, may be completed and sold or circulated.

Machines and tools used for reproduction under the preceding Paragraph, if they still remain, may be used for such reproduction during five years after the enforcement of this Law.

ARTICLE 49. A work which has been translated or commenced to be translated and which has not been recognized as a pirated work before the enforcement of this Law, may be completed and sold or circulated; provided, however, that such translated work must be published within seven years after the enforcement of this Law.

The translated work under the preceding Paragraph may be reproduced during five years after its publication.

ARTICLE 50. A work which has been publicly performed or commenced to be publicly performed and which has not been recognized as a pirated work before the enforcement of this Law, may be publicly performed during five years after the enforcement of this Law.

ARTICLE 51. In cases under Articles 48 - 50, the reproduced works can not be sold, circulated or publicly performed unless the steps provided in Ordinance have been taken.

ENCLOSURE "B"THE ENFORCEMENT REGULATIONS OF THE  
LAW OF COPYRIGHT

(Home Ministry Ordinance No. 18 issued on July 28, 1931 and enforced as from August 1, 1931, as amended by Home Ministry Ordinance No. 46 issued on July 9, 1935, Home Ministry Ordinance No. 7 issued on March 29, 1941 and Home Ministry Ordinance No. 60 issued on August 25, 1943)

CHAPTER I.REGISTRATION REGARDING A WORK

ARTICLE 1. Registration regarding a work shall be effected in respect of the matters enumerated below:

1. Assignment, alteration, restriction of disposal, or extinction of a copyright; and establishment assignment, alteration, restriction of disposal or extinction of the right of pledge, having a copyright as its object;
2. The true name of the author in respect of a work published or publicly performed under an anonymous or pseudonymous name;
3. The date of production;
4. Right of publication; and establishment, assignment, alteration, restriction of disposal or extinction of the right of pledge, having a right of publication as its object.

ARTICLE 1. (2) Provisional registration shall be effected in the following cases:

1. When the procedural conditions required for the application for registration are not complete;
2. When the right of claim for establishment, assignment, alteration or extinction of the rights enumerated in No. 1 and No. 4 of the preceding Article is to be preserved; provided, however, that such right of claim may have the time of commencement of condition precedent attached thereto, or it may be a right of claim to be otherwise ascertained in future.

ARTICLE 1. (3) There are two kinds of Registration Books, namely, the Registration Books for Copyright, and the Registration Books for Right of Publication, and the matters stated in Nos. 1-3, Article 1 are registered in the Registration Books for Copyright and the matters stated in No. 4, Article 1, are registered in the Registration Books for Right of Publication.

The forms of Registration Books and procedures for statement in the Books shall be fixed elsewhere.

ARTICLE 2. Application for registration shall be filed by a person entitled to registration and by a person having obligation to effect registration; provided, however, that when the consent in writing of the person having obligation to effect registration or a document sufficient to prove the ground of registration is attached to the application for the person entitled to registration may file the application alone.

ARTICLE 2. (2) One application for registration shall be made for each item and the following matters shall be stated therein and the applicant shall put his signature and seal thereto:

1. Name and address of the trustor, trustee, beneficiary and administrator of the trust; and if any among the trustor, trustee, beneficiary and administrator of the trust is an alien, the nationality of such person or persons;
2. Object of the trust;
3. Methods of management of the trust property;
4. Ground for termination of the trust;
5. Other terms of the trust.

ARTICLE 3. In the application for registration of the true name, the matters enumerated below shall be stated in addition to the matters enumerated in Article 2(2):

1. Name of the owner of the copyright (if there is no owner of the copyright, such fact shall be stated);
2. True name and address of the author; and if the author is an alien, his nationality;
3. Name and address of the publisher or the performer; and if the publisher or performer is an alien, his nationality.

ARTICLE 4. In the application for registration for the date of production, the matters enumerated below shall be stated in addition to the matters enumerated in Article 2(2):

1. Date of production;
2. Name and address of the owner of the copyright (if there is no owner of the copyright, such fact shall be stated).

ARTICLE 5. To the application for registration a detailed description of the work, stating the matters enumerated below shall be attached:

1. Title of the work;
2. Name of the author and if the author is an alien, his nationality;
3. In cases where the application for registration is to be filed in respect of a work already published or publicly performed, the true name or pseudonymous name of the author disclosed when the work was first published or publicly performed (if the work is an anonymous one, such fact shall be stated);
4. Date of production and in cases where an application for registration is to be filed in respect of a work produced by an alien, the name of the country where the work first published;

5. Date when the work was first published or publicly performed (if the work has never been published or publicly performed, such fact shall be stated);
6. Classification and contents or form of the work and if it is necessary to make its form clear a drawing, photograph, etc., of it shall be attached;
7. In cases where a registration has been effected already in respect of the work, the date and Registration Number of such registration.

ARTICLE 6. In the following cases, a certified copy or a certified extract copy of the family registration or registry book, sufficient to prove, the fact, shall be attached to the application for registration:

1. When the ground for registration is succession or other general assignment;
2. When registration is applied for by the successor or other general assignees of the person who should be the applicant;
3. When registration is applied for alteration or rectification of the description of the person in whose name a previous registration has been effected.

ARTICLE 7. In the case of Article 4, Paragraph 1, of the Registration Tax Law Enforcement Regulations, if a registration has already been effected at a Registry Office or other public office handling registrations, the receipt of Registration Tax issued by such Registry Office or other government office handling registrations shall be attached to the application for registration.

ARTICLE 8. In cases where alteration, rectification or cancellation of registration, or recovery of registration once cancelled is to be applied for, if there is a person who has interest in the registration, his consent in writing or a certified copy of a judgment which can be set up against such person shall be attached to the application for registration.

ARTICLE 9. The Home Ministry shall, on completion of a registration, publish the fact in the Official Gazette and notify the applicant.

ARTICLE 10. When a mistake or an omission is discovered in respect of a registration, after completing of such registration, the fact shall be notified, without delay, to the person entitled to the registration and to the person having obligation to effect the registration.

In the case of the preceding Paragraph, if the mistake or omission has been caused by the fault of the official handling registrations, rectification of such registration shall be effected without delay and the fact shall be notified to the person entitled to the registration and to the person having obligation to effect the registration, excepting cases where there is a third person who has interest in the registration.

ARTICLE 11. In cases where Registration Tax is to be collected in accordance with the provisions of Article 4, Paragraph 1, of the Registration Tax, Law Enforcement Regulations, receipts for Registration Tax, stating the value for taxation, shall be given to the applicant, corresponding to the number of the Registry Offices or other government offices handling registration where subsequent registrations are to be applied for; provided, however, that when more than two receipts are given, each of them shall be numbered.

ARTICLE 12. Anybody may, by paying charges according to the following distinctions, apply for delivery of a certified copy or a certified extract copy of the Registration Book or apply for inspection of a part of the Registration Book or its relative documents in which he has interest:

1. Delivery of a certified copy or a certified extract copy of the Registration Book; Per one sheet (even when it does not fill up one sheet, it shall be counted as one sheet) - 40 sen;
2. Inspection of the Registration Book or its relative documents - 40 sen.

The charges stated in the preceding Paragraph shall be paid by affixing revenue stamps to the application.

ARTICLE 13. A person who intends to file an application as described in the preceding Article shall submit the application to the Home Minister, stating the following matters and with his name written and sealed:

1. Title of the work and name of the author;
2. Date of registration and Registration Number;
3. Amount of the charge;
4. Date of application.

ARTICLE 14. In cases where delivery of a certified extract copy of the Registration Book is applied for, the part for which the delivery of the certified extract copy is applied shall be stated in the application.

#### CHAPTER II.

##### BROADCASTING OF A WORK FOR WHICH NO AGREEMENT HAS BEEN REACHED WITH THE OWNER OF COPYRIGHT

ARTICLE 15. In cases where a person who has a radio for broadcasting installed intends to broadcast a work for which no agreement has been reached with the owner of the copyright in accordance with Article 22(5), Paragraph 2, of the Law of Copyright, he shall submit an application, stating the following matters, to the Home Minister and ask for his sanction:

1. Title of the work and the name of the author and if the author is an alien, his nationality;
2. Classification and contents of the work;
3. Date of publication or public performance of the work;

4. Name and address of the owner of the copyright and if owner of the copyright is an alien, his nationality;
5. Date, time and place of broadcasting;
6. Estimated amount of indemnity and the basis of its calculation;
7. Reasons for requiring broadcasting;
8. Reasons for not reaching an agreement with the owner of the copyright.

To the application stated in the preceding Paragraph, the opinion of the owner of the copyright must be attached. If unable to attach such opinion, the reason for that shall be stated.

ARTICLE 16. In cases where the Home Minister gives sanction that the application stated in the preceding Article shall be accepted, he shall also give decision on the amount of indemnity.

ARTICLE 16. (2) In cases where the Home Minister gives decision on the amount of indemnity under the provisions of the preceding Article, he shall consult with the Copyright Investigation Council.

ARTICLE 17. In cases where the Home Minister has given sanction that the application described in Article 15 shall be granted, he shall notify the fact to the owner of the copyright.

In the notice described in the preceding Paragraph, the title of the work, the name of the author, date, time, and place of broadcasting and the amount of indemnity decided shall be stated.

ARTICLE 18. In cases where a person who has a radio for broadcasting installed, intends to change the date, time or place of broadcasting after the sanction to grant the application described in Article 15 has been given, he shall notify the fact to the Home Ministry and send a notice to the owner of the copyright.

### CHAPTER III.

#### PUBLICATION OR PUBLIC PERFORMANCE OF A WORK FOR WHICH NO AGREEMENT CAN BE REACHED WITH THE OWNER OF COPYRIGHT

ARTICLE 19. A person who intends to publish or give public performance of a work in accordance with Article 27, Paragraph 1, of the Law of Copyright, shall submit an application, stating the following matters to the Home Minister and ask for his sanction:

1. Title of the work and true or pseudonymous name of the author (in case of an anonymous work, such fact shall be stated);
2. Classification and contents of the work;
3. Date, time and method of publication or public performance of the work;
4. Reasons why the owner of the copyright is not known.

ARTICLE 20. In cases where no agreement can be reached with the owner of the copyright on account of one of the grounds enumerated below, the work may be published or given public performance in accordance with the provisions of Article 27, Paragraph 2 of the Law of Copyright, after obtaining the sanction of the Home Minister:

1. When the dwelling place of the owner of the copyright is not known;
2. When the owner of the copyright is not known on account of the non-existence of registration regarding the work;
3. When the owner of the copyright has no dwelling place in Japan and his attorney in Japan is not known.

ARTICLE 21. A person who intends to obtain the sanction described in the preceding Article, shall submit an application, stating the following matters, to the Home Minister and ask for his sanction:

1. Title of the work and name of the author and if the author is an alien, his nationality;
2. Classification and contents of the work;
3. Date, time and method of publication or public performance of the work;
4. Estimated amount of indemnity and the basis of its calculation;
5. Reasons why no agreement can be reached with the owner of the copyright.

A person who files the application described in the preceding Paragraph, shall submit prima facie evidence, either in writing or verbally, of the reasons why no agreement can be reached with the owner of the copyright.

ARTICLE 22. In cases where the Home Minister gives sanction to grant the application described in Paragraph 1 of the preceding Article, he shall also give decision regarding the amount of indemnity.

ARTICLE 23. In cases where the Home Minister gives decision on the amount of indemnity under the provisions of the preceding Article, he shall consult the Copyright Investigation Council.

ARTICLE 24. In cases where the Home Minister has given sanction to grant the application described in Article 21, Paragraph 1, he shall publish the fact in the Official Gazette.

In the public notice described in the preceding Paragraph, the title of the work, the name of the author, date, time and method of publication or public performance, the name and address of the person who intends to publish or give public performance and the amount of indemnity decided shall be given.

ARTICLE 25. When an applicant intends to alter the date, time or method of publication or public performance after he has received the decision that the application described in Article 19 or Article 21, Paragraph 1 is granted, he must again obtain the sanction of the Home Minister.

SUPPLEMENTARY PROVISIONS

This Ordinance shall be put into force as from August 1, 1931.

The following Ministry Ordinances shall be abolished:

Home Ministry Ordinance No. 27, 1899.

Home Ministry Ordinance No. 23, 1910.

In respect of dispositions and proceeding regarding registrations still actually pending at the time when this Ordinance is put into force, the old rules shall be applicable.

Dispositions and proceedings regarding registrations effected in accordance with this Ordinance.

SUPPLEMENTARY PROVISIONS

(Home Ministry Ordinance No. 46, 1935)

This Ordinance shall be put into force as from July 15, 1935.

In respect of dispositions and proceedings regarding registrations still actually pending at the time when this Ordinance is put into force, the old rules shall be applicable.

Dispositions and proceedings regarding registrations effected in accordance with the provisions of the preceding Paragraph shall be deemed to have been effected in accordance with this Ordinance.

ENCLOSURE "C"LAW AND ENFORCEMENT REGULATIONS FOR INTERMEDIARY  
BUSINESS CONCERNING COPYRIGHTS

1. Law No. 67 of April 5, 1939, prescribes the lawful activities of persons engaged professionally in acts "of agency or mediation on behalf of the owner of a copyright in respect of a contract concerning the utilization of the copyright work by means of publication, translation, public performance, broadcasting, cinematizing, recording or otherwise". This includes persons who undertake "to obtain the transfer of a copyright and to perform, as an occupation, an act of managing the copyright work in pursuance of a specific object on behalf of another person".

2. Home Ministry Ordinance No. 43 of December 13, 1939, as amended by Ordinance No. 66 of October 1942, issued enforcement regulation in respect to the above law.