

# Copyright

in 28 jurisdictions worldwide

Contributing editors: Andrew H Bart, Steven R Englund,  
Susan J Kohlmann and Carletta F Higginson

# 2012



Published by  
*Getting the Deal Through*  
in association with:

AKD  
Anand and Anand  
Armengaud & Guerlain  
Atsumi & Sakai  
Benjon Oy  
Bloomfield Advocates & Solicitors  
Çağa & Çağa  
Castillo & Castillo  
Dorda Brugger Jordis Rechtsanwälte GmbH  
E Blum & Co AG  
Freehills  
García Magliona y Cia Limitada Abogados  
Hoet, Pelaez, Castillo & Duque  
Jan Wierzchoń & Partners – JWP  
Jenner & Block LLP  
Johnston Wassenaar LLP  
Law Office Drnovšek LLC  
Malamis & Associates Ltd  
MGAP Attorneys at Law  
Moeller IP Advisors  
Nestor Nestor Diculescu Kingston Petersen  
Olivares & Cía, SC  
RPC  
Salger Rechtsanwälte  
Suárez de la Dehesa Abogados  
Thompson Associates  
Tony Greenman Law Offices  
Trevisan & Cuonzo Avvocati

## Copyright 2012

### Contributing editors:

Andrew H Bart, Steven R Englund,  
Susan J Kohlmann and  
Carletta F Higginson  
Jenner & Block LLP

### Business development managers

Alan Lee  
George Ingledew  
Robyn Hetherington  
Dan White

### Marketing manager

Alice Hazard

### Marketing assistant

William Bentley

### Subscriptions manager

Nadine Radcliffe  
Subscriptions@  
gettingthedealthrough.com

### Assistant editor

Adam Myers

### Editorial assistant

Lydia Geroges

### Senior production editor

Jonathan Cowie

### Chief subeditor

Jonathan Allen

### Production editor

Anne Borthwick

### Subeditors

Davet Hyland  
Caroline Rawson

### Editor-in-chief

Callum Campbell

### Publisher

Richard Davey

### Copyright 2012

Published by  
Law Business Research Ltd  
87 Lancaster Road  
London, W11 1QQ, UK  
Tel: +44 20 7908 1188  
Fax: +44 20 7229 6910  
© Law Business Research Ltd  
2012

No photocopying: copyright licences  
do not apply.

ISSN 1748-8257

The information provided in this publication  
is general and may not apply in a specific  
situation. Legal advice should always  
be sought before taking any legal action  
based on the information provided. This  
information is not intended to create, nor  
does receipt of it constitute, a lawyer-  
client relationship. No legal advice is being  
given in the publication. The publishers  
and authors accept no responsibility for  
any acts or omissions contained herein.  
Although the information provided is  
accurate as of July 2012, be advised that  
this is a developing area.

Printed and distributed by  
Encompass Print Solutions  
Tel: 0844 2480 112

**Law**  
**Business**  
**Research**



<b>Overview</b> Andrew H Bart, Steven R Englund, Susan J Kohlmann and Carletta F Higginson Jenner & Block LLP	<b>3</b>
<b>Argentina</b> Estela De Luca and Natalia Pennisi Moeller IP Advisors	<b>4</b>
<b>Australia</b> Kristin Stammer and Helen Macpherson Freehills	<b>11</b>
<b>Austria</b> Axel Anderl Dorda Brugger Jordis Rechtsanwälte GmbH	<b>17</b>
<b>Canada</b> Keri AF Johnston and Andrea Long Johnston Wassenaar LLP	<b>21</b>
<b>Chile</b> Claudio Magliona García Magliona y Cia Limitada Abogados	<b>27</b>
<b>Dominican Republic</b> Sylvio Hodos and Julissa Matias Castillo & Castillo	<b>34</b>
<b>Finland</b> Markku Tuominen Benjon Oy	<b>39</b>
<b>France</b> Catherine Mateu Armengaud & Guerlain	<b>44</b>
<b>Germany</b> Stephan Dittl and Karoline Brandt Salger Rechtsanwälte	<b>50</b>
<b>Greece</b> Alkisti-Irene Malamis Malamis & Associates Ltd	<b>56</b>
<b>India</b> Pravin Anand and Reuben Cheriyan Anand and Anand	<b>62</b>
<b>Israel</b> Tony Greenman Tony Greenman Law Offices	<b>68</b>
<b>Italy</b> Julia Holden and Elisabetta Ferraro Trevisan & Cuonzo Avvocati	<b>73</b>
<b>Japan</b> Chie Kasahara Atsumi & Sakai	<b>79</b>
<b>Malaysia</b> Benjamin J Thompson and Hannah Ariffin Thompson Associates	<b>84</b>
<b>Mexico</b> Luis C Schmidt Olivares & Cía, SC	<b>89</b>
<b>Netherlands</b> Martin Hemmer AKD	<b>95</b>
<b>Nigeria</b> Tolushuwa Oyebokun Bloomfield Advocates & Solicitors	<b>99</b>
<b>Poland</b> Dorota Rzążewska Jan Wierzchoń & Partners – JWP	<b>104</b>
<b>Romania</b> Ana-Maria Baciu, Delia Belciu and Iulia Ghita Nestor Nestor Diculescu Kingston Petersen	<b>110</b>
<b>Russia</b> Yuriy Korchuganov and Olga Zakondyrina MGAP Attorneys at Law	<b>115</b>
<b>Slovenia</b> Tjaša Drgan Law Office Drnovšek LLC	<b>120</b>
<b>Spain</b> José Antonio Suárez Lozano and Helena Suárez Jaqueti Suárez de la Dehesa Abogados	<b>125</b>
<b>Switzerland</b> Brendan Bolli, Sven Capol, Barbara Gehri and Felix Locher E Blum & Co AG	<b>131</b>
<b>Turkey</b> Ömer Yiğit Aykan Çağa & Çağa	<b>137</b>
<b>United Kingdom</b> David Cran and Jeremy Drew RPC	<b>146</b>
<b>United States</b> Andrew H Bart, Steven R Englund, Susan J Kohlmann and Carletta F Higginson Jenner & Block LLP	<b>153</b>
<b>Venezuela</b> Patricia Hoet-Limbourg Hoet, Pelaez, Castillo & Duque	<b>160</b>

# Japan

Chie Kasahara

Atsumi & Sakai

---

## Legislation and enforcement

### 1 What is the relevant legislation?

Relevant legislation includes the Copyright Act (Act No. 48 of 1970), the Act on Registration of Program Works (Act No. 65 of 1986), the Act on Management Business of Copyright and Neighbouring Rights (Act No. 131 of 2000), the Intellectual Property Basic Act (Act No. 122 of 2002), the Act for Improvement of Creation, Protection and Utilisation of Contents (Act No. 81 of 2004), the National Diet Library Act (Act No. 5 of 1948) and relevant regulations relating to these statutes.

### 2 Who enforces it?

Copyright-related legislation is enforced by district courts, the Intellectual Property High Court (for civil cases), other high courts (for criminal cases and civil cases having jurisdiction other than the Tokyo High Court) and the Supreme Court of Japan. The Intellectual Property High Court was established on 1 April 2005 as a special branch of the Tokyo High Court that exclusively hears intellectual property cases.

### 3 Are there any specific provisions of your copyright laws that address the digital exploitation of works? Are there separate statutory provisions that do so? If so, please describe them.

Yes. There are some specific provisions addressing the digital exploitation of works under the Copyright Act that have been amended and expanded to keep up with digital society, for example:

- rights of public transmission (article 23);
- compensation for private sound and visual recording (article 30, section 2);
- copying by the National Diet Library for the collection of internet material (article 42-2);
- ephemeral reproduction for maintenance or repairs on reproducing machines with built-in memory (article 47-4); and
- copying for information analysis (article 47-7).

### 4 Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

While there is no specific provision addressing extraterritorial application to deal with foreign-owned or foreign-operated websites, protected works such as works of Japanese nationals, works first published in this country (including those first published outside Japan but subsequently published in Japan within 30 days thereof) and works that Japan has the obligation to grant protection to under international treaties are protected under the Copyright Act. If the infringed work is protected in this way, then the Act generally will apply to a foreign-owned or operated website that infringes copyright; however, there is some controversy in relation

to extraterritorial application. Some guidance is provided by judicial precedents accepting application of the Copyright Act of Japan, in accordance with article 5, section 2 of the Berne Convention for the Protection of Literary and Artistic Works:

*The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.*

---

## Agency

### 5 Is there a centralised copyright agency? What does this agency do?

The Agency of Cultural Affairs (the ACA) is the primary agency for handling copyright-related issues. The ACA registers copyrighted works – although registration is not mandatory in Japan – with the exception of program works registered at the Software Information Centre (the SOFTIC).

---

## Subject matter and scope of copyright

### 6 What types of works are copyrightable?

Works in which thoughts or sentiments are expressed in a creative way, and which fall within the literary, scientific, artistic or musical domain, are copyrightable. Novels; play or film scripts; dissertations, lectures and other literary works; musical works; choreographic works and pantomimes; paintings, engravings, sculptures and other artistic works; architectural works; maps and diagrammatical works of a scientific nature, such as drawings, charts and models; cinematographic works; photographic works and computer programs are all copyrightable.

### 7 What types of rights are covered by copyright?

Rights of reproduction, performance, screen presentation, public transmission, recitation, exhibition, distribution, ownership transfer, rental, translation and adaptation are covered by copyright.

### 8 What may not be protected by copyright?

The Constitution and other laws and regulations; public notices, instructions, circular notices and the like issued by public entities; judgments, decisions, orders and decrees of courts; rulings and judgments made by government agencies; translations and compilations prepared by public entities; current news reports and miscellaneous reports having the character of mere communication of fact may not be protected by copyright.

Ideas without any creative expression may not be protected by copyright, even if the idea is unique.

In addition, utility articles, applied arts and designs for utilities in which thoughts or sentiments are not expressed in a creative way and which fall within the literary, scientific, artistic or musical domain may not be protected by copyright.

**9** Do the doctrines of 'fair use' or 'fair dealing' exist?

While there is no general doctrine of 'fair use' in Japan, there are some equivalent exemptions provided by the Copyright Act, such as:

- quoting from and exploiting a work already made public fairly and to the extent justified by the purpose of the quotations;
- private use, to a limited extent;
- reproduction in libraries;
- reproduction in school textbooks, schools and other educational institutions;
- use for those with disabilities; and
- reproduction for judicial proceedings.

**10** What are the standards used in determining whether a particular use is fair?

As there is no general 'fair use' doctrine in Japan, rather than applying general standards, specific special exemptions set out the terms under which a work may be used legally.

**11** Are architectural works protected by copyright? How?

Yes. Architectural works in which thoughts or sentiments are expressed in a creative way, and which fall within the literary, scientific, artistic or musical domain, are protected by copyright.

Architectural works protected by copyright may have general rights as copyright (see questions 7 and 14), except the right to maintain integrity. The author of an architectural work is required to accept modification of an architectural work by way of extension, rebuilding, repairing or remodelling. In addition, exploiting of architectural works located permanently in open space shall be permissible except for the (imitative) reproduction of an architectural work and the offering of such reproduction to the public by transferring ownership of it.

**12** Are performance rights covered by copyright? How?

Yes. A performer has the moral right to indicate his or her name and to preserve integrity; the right to make sound or visual recordings; the right to broadcast and to wire-broadcast; the right to make his or her performance transmittable; the right to transfer ownership; and the right to offer his or her performance to the public by rental as neighbouring rights. In addition, a performer has the right to receive secondary use fees from broadcasting organisations or wire-broadcasting organisations using commercial phonograms incorporating a sound recording of the performance through designated organisations (this right is not deemed to be a neighbouring right).

**13** Are other 'neighbouring rights' recognised? How?

Yes. Producers of phonograms, broadcasting organisations and wire-broadcasting organisations all have neighbouring rights.

**14** Are moral rights recognised?

Yes. An author shall have the right to make the work and derivative work thereof public; to determine how the author's name is shown (whether it is his or her true name, or a pseudonym); and to maintain the integrity of his or her work and its title, without distortion, mutilation or other modification against the author's will.

## Copyright formalities

**15** Is there a requirement of copyright notice?

No. However, many authors do put copyright notices on their works to help prevent copyright infringement.

**16** What are the consequences for failure to display a copyright notice?

Not applicable.

**17** Is there a requirement of copyright deposit?

No.

**18** What are the consequences for failure to make a copyright deposit?

Not applicable.

**19** Is there a system for copyright registration?

Yes. A work may be protected by copyright without any copyright registration. However, the transfer (other than by inheritance or other succession) of copyright or a restriction on the disposal of the copyright, and the establishment, transfer, modification or termination of a pledge on a copyright or a restriction on the disposal of a pledge established on the copyright, may not be asserted against a third party unless it has been registered. In addition, the author of a work that is made public, anonymously or pseudonymously, may have his or her true name registered with respect to said work, regardless of whether he or she actually owns the copyright therein; the copyright holder of any work, the publisher of an anonymous or pseudonymous work, may have registered said work's date of first publication or the date when the work was first made public. Furthermore, the author of a computer program may have the date of the creation of his or her work registered within six months of the work's creation.

**20** Is copyright registration mandatory?

No.

**21** How do you apply for a copyright registration?

With the exception of computer software, the author or right holder of a work applies for copyright registration to the ACA, using the forms designated by the Agency. For computer software, the author or creator, or other person provided in the Act, such as the holder of copyright, may apply for copyright registration by application to the SOFTIC.

**22** What are the fees to apply for a copyright registration?

The fee for registration of the date of first publication and the date of creation is ¥3,000. The fee to register the true name of a work (including computer software) is ¥9,000. The fee for registration of transfer of copyright is ¥18,000. The fee for registration of transfer of neighbouring rights is ¥9,000. The fee for establishment of the right of publication is ¥30,000. In addition to the above, a registration fee of ¥47,100 per software applies in the case of computer software.

**23** What are the consequences for failure to register a copyrighted work?

The right holder or author may not assert his or her rights against a third party unless registered.

**Ownership and transfer**

**24** Who is the owner of a copyrighted work?

The author of a copyrighted work is its owner. Since copyright may be transferred, the assignee may become the owner of the work; this excludes moral rights, which may not be transferred.

Exemptions to this principle are authorship of a work made by an employee (see question 25) and authorship of a cinematographic work.

Authorship of a cinematographic work shall be attributed to those who, by taking charge of producing, directing, filming, art direction, etc, have creatively contributed to the creation of such cinematographic work as a whole, with the exception of authors of novels, play and film scripts, music or other works adapted or reproduced in such cinematographic work.

**25** May an employer own a copyrighted work made by an employee?

Yes. With the exception of computer programs, the authorship of a work that, on the initiative of a juridical person (such as a company) or other employers, is made by an employee in the course of the performance of his or her duties in connection with the employer's business and is made public by the employer as a work under its own name, shall be attributed to the employer unless there are contract or work regulations that provide that the work should be attributed to the employee who created the work. As for computer programs, the authorship of a computer program work that, on the initiative of a juridical person or other employers, is made by an employee in the course of his or her duties in connection with the employer's business, shall be attributed to such employer unless otherwise stipulated by contract, work regulations or the like at the time of the making of the work.

**26** May a hiring party own a copyrighted work made by an independent contractor?

Yes. Such ownership must be expressly agreed to; although it is not strictly necessary to have a written agreement, it is customary to have one in order to prevent copyright disputes.

**27** May a copyrighted work be co-owned?

Yes.

**28** May rights be transferred?

Yes.

**29** May rights be licensed?

Yes.

**30** Are there compulsory licences? What are they?

No.

**31** Are licences administered by performing rights societies? How?

Yes. Japanese performing rights societies include the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC), the Japan Writers' Association, the Writers' Guild in Japan and the Japan Writers Guild. Owners of copyrighted works may either entrust administration of their copyright to the entity of their choice, or manage their rights personally in whole or in part. If a copyright owner chooses to entrust his or her copyright to an administrator, this entity and the owner will execute an entrustment agreement.

**32** Is there any provision for the termination of transfers of rights?

No.

**33** Can documents evidencing transfers and other transactions be recorded with a government agency?

If the transfer and other transactions are registered, yes. The ACA or SOFTIC requires such documents in order to register the transfer or transaction and to summarise the fact in the registration.

**Duration of copyright**

**34** When does copyright protection begin?

Copyright protection begins at the time of the creation of the work.

**35** How long does copyright protection last?

Protection will last for 50 years after the death of the author or, in the case of a jointly authored work, for 50 years after the death of the last surviving co-author (in principle). The copyright in a work that bears the name of a juridical person or other corporate body as its author shall continue to subsist until the end of the 50-year period following the work being made public. The copyright in a cinematographic work shall continue to subsist until the end of the 70-year period following the making public of the work; or, if the work was not made public within the 70-year period following its creation, until the end of the 70-year period following the work's creation.

**36** Does copyright duration depend on when a particular work was created or published?

Yes. There are special copyright durations, pursuant to the Act on Special Provisions of Duration of Copyright of the Allies, for works created during World War II (this time frame runs from 8 December 1941 to the day before each peace pact).

**37** Do terms of copyright have to be renewed? How?

No.

**38** Has your jurisdiction extended the term of copyright protection?

Yes. Protection for 30 years after death was extended to 38 years, and then to 50 years in 1970 in accordance with the Brussels Amendment of the Berne Convention (1948). With respect to cinematographic works, protection for a 50-year period following the making public of the copyright work was also extended to 70 years (or, if the work was not made public within the 70-year period following its creation, until the end of the 70-year period following the work's creation).

**Copyright infringement and remedies**

**39** What constitutes copyright infringement?

Reproduction, performance, screen presentation, public transmission, recitation, exhibition, distribution, rental, translation or adaptation without the copyright owner's approval constitute copyright infringement.

**40** Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Yes. The representative, an agent, an employee or any other worker of a juridical person (such as a company) or a person (individual) who commits copyright infringement in connection with the business of that person shall be jointly or vicariously liable for the infringement.

**Update and trends**

The Supreme Court, on 19 December 2011, pronounced the inventor of a popular peer-to-peer file-sharing software, 'Winny', who had been accused of aiding and abetting of infringement of the right of public transmission, not guilty (Heisei 21 (a) No. 1900).

The inventor, who was a special assistant at the Graduate School of Information Science and Technology, University of Tokyo, had developed the peer-to-peer file-sharing software and shared it freely to the public through a website. He was subsequently arrested for assisting infringement of the right of public transmission committed by two users of Winny who made 25 game softwares and two cinema softwares freely available to the public without the permission of the copyright holders. Winny enabled multiple download, automatic download, and other means of efficient and anonymous data search and exchange without revealing sender information.

The Kyoto District Court at first instance judged that the disclosure and providing of Winny constituted aiding and abetting of infringement of the right of public transmission, on the basis that Winny was used widely, and that the inventor recognised that Winny was being used to infringe copyright, even though Winny itself was neutral software (which could be used legally and/or illegally), and punished the inventor with a fine of ¥1.5 million. The Osaka High Court at second instance overturned the lower court decision, judging that the inventor was not guilty because in order to be judged as aiding and abetting, it is not sufficient to simply recognise and accept the possibility that among an unspecified large number of people who had obtained the software there might be those who infringe the rights of others, but that it was necessary to both disclose and recommend such software be used solely or mainly for illegal purposes, and the inventor had not disclosed and recommended the software be used to infringe the copyright of others.

The prosecutor appealed to the Supreme Court, and the Supreme Court ruled that:

- simply disclosing and providing such software to the general public with knowledge of the general risk that it may be used to infringe the copyright of others illegally is not sufficient to constitute aiding and abetting, as to do so would excessively restrain the development of software generally;
- disclosing and providing software could be treated as aiding and abetting of copyright infringement only when the provider of such software provides the same knowing and accepting that specific infringement of copyright would actually occur, or when the provider knows that the software will surely be used generally (rather than by certain exceptional individuals) to infringe copyright, and yet still provides the software, and a user actually infringes copyright using the same; and
- while the inventor/provider did know this software would be used for copyright infringement and warned that it was illegal to transmit copyrighted contents using the software, he did not know and accept that the general public would use the software commonly for illegal purposes and he had no intention of aiding and abetting such activities.

Judge Otani objected to the majority view, providing the dissenting opinion that the inventor/provider of Winny should be regarded as having the intention to help copyright infringement given the state in which this software was being abused in order to infringe copyright.

Winny was a very popular free software and was used for copyright infringement, and malware such as Antinny that was bundled with Winny caused extensive and critical leaks of information, including business secrets and personal information, so this ruling has attracted great attention in Japan. It is one of the most important judgments in relation to infringement of the right of transmission.

under the Copyright Act and civil law, and may have criminal liability in accordance with the Copyright Act.

**41** What remedies are available against a copyright infringer?

Remedies available include injunction, compensation, measures for the restoration of honour and reputation – such as a public apology – and the collection of unjust enrichment.

**42** Is there a time limit for seeking remedies?

Compensation in accordance with the Civil Code must be sought within three years of the infringement and infringer becoming known, or within 20 years of the infringement.

**43** Are monetary damages available for copyright infringement?

Yes.

**44** Can attorneys' fees and costs be claimed in an action for copyright infringement?

Yes, although it is rare that the amounts awarded in a judgment will cover attorneys' fees and the costs of an action.

**45** Are there criminal copyright provisions? What are they?

Yes. A person who infringes copyright, right of publication or neighbouring rights (excluding some exemptions provided in the Act) shall be punished by imprisonment with work for a term not exceeding 10 years, a fine of not more than ¥10 million, or both. A person who infringes the author's moral rights, a person who, for profit-making purposes, causes a machine that has a reproduction function (provided in the article) to be used to reproduce works or performances (eg, automated bulk video copying) or a person who commits an act deemed to constitute copyright infringement shall be punished by

imprisonment with work for up to five years, a fine of up to ¥5 million, or both. A person who infringes an author or performer's moral rights after the author or performer's death shall be punishable by a fine of up to ¥5 million. There are also criminal provisions against the illegal reproduction of a computer program; circumvention of technological protection measures; illegal reproduction of a person's true name or widely known pseudonym; and the reproduction, distribution or possession of a commercial phonogram without any authority, etc.

**46** Are there any specific liabilities, remedies or defences for online copyright infringement?

Yes. When copyright is infringed by information distribution through the internet, a person alleging that his or her copyright has been infringed may request a telecommunications service provider such as an internet service provider to:

- prevent such infringed information from being transmitted to unspecified persons in practice (under civil laws); and
- disclose the identification information of the sender pertaining to the infringement if there is evidence that the copyright was infringed by distribution through the internet, since the identification information of the sender is necessary for the right holder demanding the above disclosure to exercise his or her right to claim damages, and there is justifiable ground for the right holder to receive the disclosed identification information of the sender in accordance with the Act on the Limitation of Liability for Damages of Specified Telecommunication Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001).

When a telecommunication service provider has received a request to prevent the infringement, such service provider shall be liable for loss incurred from such infringement if:

- it is technically possible to take measures for preventing such information from being transmitted to unspecified persons;

- the service provider knew that the infringement was caused by the information distribution through the telecommunications provided by the provider; or
- the service provider had knowledge of the information distribution by its service and there is a reasonable ground to find that the service provider could know the infringement was caused by information distribution through its service.

On the other hand, if a service provider takes measures to block transmission of information, such provider shall not be liable for any loss incurred by a sender of such information allegedly infringed insofar as measures are taken within the limit necessary for preventing transmission of the infringement to unspecified persons and there is a reasonable ground to believe the infringement, or there is no notice of acceptance of blocking the information from the infringer who receives an inquiry from the service provider within seven days after the above inquiry is made.

**47** How may copyright infringement be prevented?

Copyright infringement may be prevented in Japan by putting a copyright notice on the work; education; appropriate measures against infringement, such as issuing a warning immediately after infringement is recognised; and legal action against the infringer. Japanese

copyright holders have suffered a number of copyright infringements by individuals and corporations based in foreign countries (for example, counterfeit software and cartoon books being translated and printed without approval); government-level action against countries in which many copyright infringers exist should be a critical factor in helping to prevent future copyright infringement.

**Relationship to foreign rights**

**48** Which international copyright conventions does your country belong to?

Japan belongs to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act); the Universal Copyright Convention (Paris Act); the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations; the WIPO Performances and Phonograms Treaty (WPPT); and the Agreement on Trade-Related Aspects of Intellectual Property Rights.

**49** What obligations are imposed by your country's membership of international copyright conventions?

Principles of national treatment in accordance with the Berne Convention for the Protection of Literary and Artistic Works (Paris Act), the Universal Copyright Convention (Paris Act), and the Principle of Reciprocity in accordance with Berne Convention (Paris Act) are imposed.



Atsumi & Sakai

**Chie Kasahara**

**chie.kasahara@aplaw.jp**

Fukoku Seimei Bldg (Reception: 12F)  
2-2-2 Uchisaiwaicho, Chiyoda-ku  
Tokyo 100-0011  
Japan

Tel: +81 3 5501 2111  
Fax: +81 3 5501 2211  
www.aplaw.jp

**GETTING THE DEAL THROUGH®**

**Annual volumes published on:**

- Air Transport
- Anti-Corruption Regulation
- Anti-Money Laundering
- Arbitration
- Banking Regulation
- Cartel Regulation
- Climate Regulation
- Construction
- Copyright
- Corporate Governance
- Dispute Resolution
- Dominance
- e-Commerce
- Electricity Regulation
- Enforcement of Foreign Judgments
- Environment
- Foreign Direct Investment
- Franchise
- Gas Regulation
- Insurance & Reinsurance
- Intellectual Property & Antitrust
- Labour & Employment
- Licensing
- Life Sciences
- Merger Control
- Mergers & Acquisitions
- Mining
- Oil Regulation
- Patents
- Pharmaceutical Antitrust
- Private Antitrust Litigation
- Private Equity
- Product Liability
- Product Recall
- Project Finance
- Public Procurement
- Real Estate
- Restructuring & Insolvency
- Right of Publicity
- Securities Finance
- Shipping
- Tax on Inbound Investment
- Telecoms and Media
- Trademarks
- Vertical Agreements



**For more information or to purchase books, please visit:**  
[www.GettingTheDealThrough.com](http://www.GettingTheDealThrough.com)



Strategic research partners of the ABA International section



THE QUEEN'S AWARDS  
FOR ENTERPRISE:  
2012



The Official Research Partner of the International Bar Association