

A must-read for teachers



# Understanding Copyright in Classes



Public Transmission ?

Classes in Article 35 ?

Compensation ?

Citation ?



AXIES

## Preface

We are surrounded by many copyrighted works, which are protected by the Copyright Act. However, although the Copyright Act is a law that relates to everyday matters, it is often not well known or misunderstood.

Article 35 of the Copyright Act was amended in 2018, and there were significant changes to the content regarding limitations on rights through classroom use at educational institutions. The change meant that greater opportunities to use different materials could be accepted by paying compensation. However, the law is written in wording that can be applied to many different situations, and there are aspects of the law that are difficult to read and understand.

Therefore, after this amendment, copyright owners and educational institutions cooperated to create guidelines for Article 35. The guidelines are called "Guidelines for Article 35 under the Amended Copyright Act", and are posted on the website of a management organization called SARTRAS (Society for the Administration of Remuneration for Public Transmission for School Lessons).

This material tries to further explain the Guidelines in an easy-to-understand manner. It was written primarily for teachers who teach classes at educational institutions. We hope that this material will be useful for teachers to deepen their understanding of the basics of copyright, what they can and cannot do, and what they need to be mindful of when handling copyrighted works in the classroom.

The Japanese Copyright Act applies to the use of copyrighted work in Japan, even for use by foreign nationals. Unlike "fair use" in the U.S., the Japanese Copyright Act provides for limitations and exceptions to copyright in specific situations in individual Articles. Specifically, Article 30 limits reproduction rights for private small-scale use, Article 32 limits copyrights for citation, and Article 35 limits reproduction and public transmission rights in educational institutions. These Articles describe in detail the specific situations and requirements under which a copyright is limited. Therefore, you need to understand these Articles accurately and apply them appropriately. In particular, when using the Articles in educational institutions, please make sure to check the contents of the Articles carefully and use them appropriately.

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## People who appear in this material



**Dr. Konaka**

Elementary school teacher. I don't understand what the law is because it's so difficult, and I'm afraid to do anything that concerns copyright.



**Dr. Daiin**

University teacher. I don't care about copyright if it's not for education and research purposes.



**Dr. Sumiki**

He is an expert in Copyright Act. He provides easy explanations for Dr. Konaka and Dr. Daiin.

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## References to Provisions of Laws

The provisions of the laws referred to in this material can be found in the "Japanese Law Translation": <https://www.japaneselawtranslation.go.jp/>.

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SECTION

01

# What is the Copyright Act?

This Section explains the purpose of the Copyright Act. It is important to understand that the Copyright Act is not just written for those who want to protect their rights.

## What is the Copyright Act?

### (Japanese) Copyright Act

Article 1 of the Copyright Act states the purpose of the Act.

**Article 1 (Purpose)** The purpose of this Act is to provide for authors' rights and neighboring rights with respect to works, as well as with respect to performances, phonograms, broadcasts, and cablecasts, and to ensure protection for the rights of authors and other such persons while according attention to the fair exploitation of these cultural products, and thereby to contribute to cultural development.



Konaka

The Copyright Act protects the rights of those who create copyrighted works.



Sumiki

That is correct, but there is another important role. That is the fair exploitation of copyrighted works. In other words, we make it easier for everyone to use copyrighted works by determining the extent to which they can be used freely.



Daiin

If you protect the rights too strictly, it will be difficult for people to use copyrighted works, and if you give them too much freedom, your rights will not be protected...



Sumiki

It is difficult to find a balance between the protection of rights and fair exploitation.



Konaka

What exactly do you mean by "cultural development"?



Sumiki

Cultural development as referred to in the Copyright Act essentially means the creation of a wide variety of expressive works. In the field of technology covered by patents, to give an extreme example, it could just be a single technology. For example, if the price is the same, everyone would want to use the battery that lasts the longest. But this is not the case for copyrighted works. Sometimes you would like to listen to Mr. Children songs, sometimes you want to listen to Perfume songs, right?

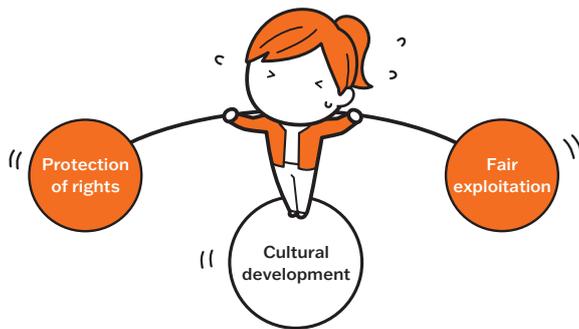


Konaka

I see. So, the idea is that by creating a variety of expressions, we can create a richer society. Many people create copyrighted works every day, and because there are no registration procedures required, the system makes it easier for many copyrighted works to be created.

### POINT

The purpose of the Copyright Act is to contribute to cultural development through the protection of the rights of authors and the fair exploitation of copyrighted works.



The Copyright Act determines what a copyrighted work is, what kind of rights are copyrightable (protection of authors), and in what cases copyright is limited (what is fair exploitation?).



Konaka

However, the law is difficult and I don't understand it well... There are many places where the law is not very specific.



Sumiki

The law intentionally stipulates abstractly, and leaves room for interpretation, so some people may have different opinions. Sometimes you don't know until a decision by the court is given.



Daiin

This means that sometimes things cannot be clearly defined as black and white right away.



Sumiki

We want to keep things black and white if possible. There are many materials that teachers can refer to. One of them is titled the **"Guidelines for Article 35 under the Amended Copyright Act"**.



### MEMO

Guidelines for Article 35 under the Amended Copyright Act are explained in detail in Chapter 2.

SECTION

02

# What is a copyrighted work?

This section explains what a "copyrighted work" is, as defined under the Copyright Act.

## Definition of copyrighted Works



Konaka

Copyrighted works are not diminished by their use, are they?



Sumiki

That's right. For example, if a car is stolen, it will be gone, so you will know right away. However, most of the time even if text is stolen, it will not be lost, so in most cases it is not immediately obvious if it is being misused. Among such intangible information, information that contributes to cultural development is copyrighted work.



Daiin

But you can tell when a painting on canvas is stolen, can't you?



Sumiki

A painting is indeed a copyrighted work, but it has two aspects: one as a "tangible object" and the other as "information". You may think of a copyrighted work as a "tangible object", but a copyrighted work is "information". In other words, the copyrighted work (information) is superimposed on the tangible object (painting)\*1. It would be a problem if someone made and sold postcards or other goods using the painting without permission, wouldn't it? Even if you buy a painting, you are simply receiving the rights to the tangible object, the physical ownership (title). The rights to the information (copyright) of the person who originally painted the painting remain with the person who painted it.



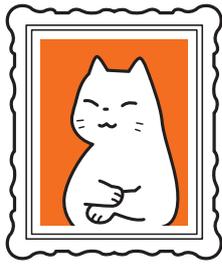
Daiin

I see, so it's not the same as physical ownership.

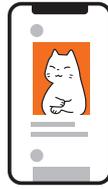
MEMO \*1

Supreme Court, January 20, 1984, HANREI JIHO No. 1107, p. 127 [Ganshinkei Case].

Physical ownership  
||  
Tangible object



Copyright  
||  
Information (intangible object).



The Copyright Act protects "copyrighted works". A copyrighted work is defined as follows:

**Article 2(1)(i)** "a creatively produced expression of thoughts or sentiments that falls within the literary, academic, artistic, or musical domain"



Konaka

Is the table listing the height and weight of the students in my class copyrighted work because it is an expression?



Sumiki

No, mere data is not thought or sentiment so it is not considered a copyrighted work.



Daiin

I often hear that cooking recipes are not copyrighted.



Sumiki

The idea itself is not a copyrighted work because it has to be expressed. Just having an idea in your head is not subject to copyright protection. The idea of the recipe itself is not a copyrighted work, but if it is turned into a book or a web article, the pictures and text may be copyrighted, so you should be careful.

**POINT**

A work is not a "copyrighted work" unless it is a creative expression of thoughts or sentiments.

### Examples of works that are not copyrighted works under the Copyright Act:

- Something that is just a thought in your head (an idea): the story of a novel is also not protected if it is just a thought. What is expressed as a novel is protected.
- Data and facts only: obituaries, information on personnel transfers, population lists for each prefecture, etc., do not express the thoughts or sentiments of the person expressing them, and therefore cannot be an expression of "thoughts or sentiments" and are not copyrighted works.
- Commonplace expressions and very short sentences: phrases that anyone would use, such as "blue skies," are often considered to be non-creative.

Examples of copyrighted works include the following (Article 10(1)): **01**

#### **01** Types of copyrighted works (Article 10(1))

Type	Example
Literary works	Lectures, papers, reports, essays, novels, screenplays, poetry, haiku, rakugo, comic storytelling, etc.
Musical works	Songs, lyrics accompanying songs, etc.
Works of choreography and pantomime	Choreography for Japanese dance, ballet, dance, pantomime, etc.
Works of fine art	Paintings, prints, sculptures, cartoons, calligraphy, stage sets, flower arrangements, etc. (including arts and crafts such as tea bowls, pots, swords, etc.).
Architectural works	Palaces, triumphal arches, gardens, towers, and other architectural structures (must be appreciable).
Maps and diagrammatic works	Maps, academic drawings, charts, blueprints, three-dimensional models, globes, etc.
Cinematographic works	Recorded moving images such as theatrical movies, animations, videos, YouTube videos, TikTok videos, and video portions of game software.
Photographic works	Portraits, landscapes, documentary photography, advertising photography, etc.
Works of computer programming	Operating systems (OS), application software, programs for consumer electronics, etc.

In addition to these works, the following works are also available (Articles 11, 12, and 12-2) **02**

**02** Types of works (Articles 11, 12, 12-2)

Type	Example
Derivative works	Works created by translating, arranging, transforming, or adapting the works in the table above.
Compilation works	Encyclopedias, dictionaries, newspapers, magazines, poetry books, etc.
Database works	Encyclopedias, dictionaries, etc. in computer-searchable form.

A compilation is a copyrighted work if the selection and arrangement of materials are creative. Although a compilation as a whole is protected as a copyrighted work, when using individual articles in a dictionary, magazine, etc., the permission of the respective copyright owners is required, as each article is also a copyrighted work.

A database is a copyrighted work if there is creativity in the way the data is selected and the systematic way the data is organized for retrieval, even if the individual data collected is not copyrightable.

**Daiin**  
The data is not copyrighted, but the database is.

**Sumiki**  
For example, copyrightability may be recognized when information that cannot be searched in other databases can be retrieved, or when you are creative in the selection of keywords for retrieving the same information.

Although the following items are copyrighted works, they are created for the purpose of making them known to the public and making them widely available, so they can be used without the copyright owner's permission (Article 13).

**Examples of copyrighted works that can be used without permission:**

- Constitution and other laws and regulations.
- Notices, directives, and notices of the national government, local governments, etc.
- Court judgments, decisions, orders, etc.
- Translations and compilations of the above are prepared by the national government, local governments, etc.



## Now here is a quiz. Are the following items copyrighted works protected by the Copyright Act?

- (1) Fantasy novel setting.
- (2) A cat drawing on a piece of notepaper, done at the behest of a relative's child.
- (3) Names of cartoon characters.
- (4) Graphs in student reports.

### (1) Fantasy novel setting



Konaka

(1) Since the novel is copyrighted, is the setting copyrighted as well?



Sumiki

No, an abstract setting alone does not constitute a copyrighted work. For example, recently, there are novels, manga, and anime in which the main character is transported to and explores another world. This level of setting itself is within the scope of an idea and is not copyrighted, so writing a new novel with this kind of setting is not an infringement of copyright.

### (2) A cat drawing on a piece of notepaper that a relative's child asked me to draw.



Daiin

(2) Something like a drawing on a piece of notepaper would probably be thrown away immediately so is not a copyrighted work, is it?



Sumiki

No, it does not matter under the Copyright Act when you throw it away, it is a copyrighted work because it was a "creative expression" at the time it was drawn\*1.

#### MEMO \*1

The word "expression" may sound like it has to be fixed on some object, but being fixed is not a requirement for a copyrighted work. For cinematographic works, it is a requirement that the copyrighted work be fixed.

### (3) Names of cartoon characters



Konaka

(3) This is surely a copyrighted work!



Sumiki

Nice try. This is not a copyrighted work. Konaka's name is not a copyrighted work either. There are various opinions on it, but I think it can be categorized as not being "within the literary, academic, artistic, or musical domain" or not having creativity. However, a picture of a character is a copyrighted work.\*2

### (4) Graphs in student reports



Daiin

(4) I don't think a graph is a copyrighted work. Mere data isn't a copyrighted work, and if it were just a graph of data, it wouldn't be creative.



Sumiki

If the graph looks the same no matter who draws it in Excel or other software, it is not creative and is not likely to be a copyrighted work. However, if the graph shows, for example, beer consumption, and uses a creative way to express it, such as by using a picture of a beer mug instead of a bar graph, the creativity of the graph may be recognized and the work may be copyrighted work.



#### MEMO \*2

Concerning a picture of a character, the name can be subject to the integrity right as "the title of the work" (Article 20(1)).

## SECTION

## 03 Who is the author?

This section explains "author" under the Copyright Act. It is important to understand that there are not only individual authors but also corporate authors and joint authors.

## Definition of author

Article 2(1)(ii) of the Copyright Act defines the author.

**Article 2(1)(ii)** Author means a person who creates a work.

We learned in the previous section what copyrighted works are. The person who creates them is the "author".

It is not only professional creators who are authors. If a kindergarten or elementary school student draws a picture, they are the author of the picture. If they write a letter, the person who wrote it is the author of the letter. If you subcontract the creation of a copyrighted work, such as an illustration or a computer program, the subcontractor who created the copyrighted work is the author.

## POINT

The author is the creator of the copyrighted work. It does not matter if such a person is professional or amateur, child or adult!



Konaka

The other day I took a picture of a drawing by a relative's kindergarten child and posted it on SNS ...



Sumiki

A child can be an author too, even if the child is in kindergarten. However, I do not think that a kindergarten child would be able to judge this, so you should obtain **permission from the parents.**



Konaka

Ugh ... that was my mistake ... sorry ...

### Authors and copyright owners

The "author" is the person who created the copyrighted work, and the "copyright owner" is the person who holds the copyright. Basically, "author = copyright owner". However, as explained in the next section (Section 04 What is Copyright?)(P.22), copyright as an economic right can be transferred or inherited, so the situation of "author ≠ copyright owner" happens sometimes. When using copyrighted works, permission should be requested for the following:

- Matters related to moral rights: obtain permission from the author.
- Matters related to copyright (economic rights): obtain permission from the copyright owner.

Moral rights and copyrights (economic rights) are explained in the next section.



### Corporate works

If you create a work in the course of duty, the individual who created it may not be the author, but an organization such as a company, school, or university may be the author (Article 15). The following requirements must be met for a work to be a corporate work:

- (1) The copyrighted work must be prepared based on the initiative of the corporation, etc.
- (2) Creation by an "employee" of a corporation, etc.
- (3) To be created "in the course of duty".
- (4) When "publicizing" the copyrighted work, the copyrighted work must be published under the name of the corporation, etc.
- (5) There is no provision in the "contract, work regulations," or any other document at the time of the creation of the copyrighted work that designates the employee as the author.

For requirement (1), if a copyrighted work is created without specific instructions from the employer but with the final approval of the employer, it is considered to be "created at the employer's initiative". In addition, even if an employee comes up with an idea and creates the copyrighted work without the approval of the employer, if the copyrighted work is created in the course of duty as far as it is assumed to be based on the job description, it is considered to have been "created at the employee's initiative".\*1

For requirement (2), it is generally someone who has an employment relationship. This could be an employee of a company or a staff member of a university. Temporary staff may fall under requirement (2) since they are not directly employed by the company but work under specific instructions at the client company, etc.

For requirement (3), it does not apply if the work was not created in the course of duty. For example, if an art teacher paints pictures as a hobby on their days off, they are the author of the copyrighted work, not the employer.

The requirement (4) does not apply to lectures by university professors, which are published under the name of the individual professor.

For requirement (5), if there is a contract or work regulation that stipulates that the employee or staff member is the author of the copyrighted work they created or that the copyright belongs to the employee or staff member, the copyrighted work is not a corporate work and the creator is the author.

In the case of a corporate work, a corporation, etc. becomes the "author" and "copyright owner" (Articles 15 and 17(1)).

 MEMO \*1

The requirement of "the initiative of the corporation, etc." is satisfied if there is an employment relationship between the corporation, etc., and the employee, and the employee is performing the prescribed duty under the business plan of the corporation, etc. or a contract concluded by the corporation, etc. with a third party, etc. even without specific instructions or consent from the corporation, etc. as long as the creation of the work is scheduled or expected in the performance of the duty of the employee (Intellectual Property High Court, August 4, 2010, HANREI TIMES No. 1344, p. 226 [Kitami Institute of Technology Case]).



Daiin

Are the slides I made for a class at the university considered corporate work?



Sumiki

If the copyrighted work is prepared for an individual class, it will be published in the name of the professor, not in the name of the university when it is published. Since under requirement (4), the copyrighted work must be published under the name of a corporation, etc. when it is "published" does not apply, the author must be Dr. Daiin.



Daiin

That's a relief.

### When more than one person is the author (co-authors)

There are times when more than one person may create a copyrighted work.\*2 For example, several people may create a single painting on a canvas. Such a work is called a "joint work" (Article 2(1)(xii)). The copyright in a joint work is shared by all co-authors.

Other examples include when a copyright is assigned, or when the original copyright owner dies and the copyright is inherited by two of the owner's children.

Under joint copyright, a co-owner cannot exercise their rights without the agreement of all the co-owners (Article 65(2)).

The "agreement" in Article 65(2) is that the other joint owners cannot object unless they have "justifiable grounds" to do so.

Tokyo District Court, September 28, 2000 (1999 (wa) 7209) [Economics Book Case] is one example of a case in which the other co-author was found to have "justifiable grounds" to prevent an agreement. In this case, a co-author of an economics book jointly written by researchers requested an agreement for a reprint of the book and publication of a Korean translation, but the other co-author B, refused. The court found that there were "justifiable grounds" because the book had become obsolete several years after it was written, B's contribution to the book was considerably greater than A's, and it could not be said that A would be threatened financially or that his scholarly achievements would be diminished if he was not allowed to reprint or translate the book.



#### MEMO \*2

Article 2(1)(xii) defines a joint work as "a work created by two or more persons whose contributions to the work cannot be separated so as to allow each part of the work to be used independently".

SECTION

# 04 What is Copyright?

This section explains "copyright" under the Copyright Act including moral rights and copyright (economic rights), as well as neighboring rights. It also explains the term protection, licensing, and limitation of rights.

Copyright is "the right not to do specific acts without permission"



Sumiki

In simple terms, copyright is the right not to have one's copyrighted work "do specific acts without permission".



Konaka

Such as, it can't be copied without permission, or remade without permission.



Sumiki

Japan has a 'non-formality' system, which means that a copyright is automatically granted the moment a work is created. Simply put, there is no need to register or go through any other procedures to obtain a copyright.



Konaka

Even pictures drawn by elementary school children?



Daiin

And reports written by students?



Sumiki

Yes.

POINT

When a copyrighted work is created, copyright is automatically granted (Article 17(2)).

In a broad sense, there are two types of copyrights: "moral rights," which protect the author's commitment to the copyrighted work, and "copyright (economic rights)," which protect the economic value. The following is an explanation of what rights are associated with each.

## Moral rights

Moral rights cannot be assigned to others and cannot be inherited (Article 59, proviso of Civil Code Article 896). Therefore, even if the copyright is assigned, the moral rights remain with the author.

Moral rights cease to exist when the author dies. However, the Copyright Act states that even after the author's death, a person who provides or presents a copyrighted work to the public must not commit any act that infringes the moral rights of the author (Article 60).

Let us explain what are moral rights.

### Publication Right (Article 18)

The publication right is, as the name implies, the right to decide how the author of an unpublished copyrighted work will make it public. The author of a derivative work may not publish the derivative work without the consent of the author of the original work.

- Whether to make it public or not.
- When will it be made public?
- In what form of publication (publication as a book, broadcast, screening, exhibition, public transmission, etc.)?



Konaka

Do I need the student's consent to submit their painting to a city competition?



Sumiki

Of course, you must obtain the student's consent. If the student only submitted the painting to the teacher as homework, it does not meet the definition of "published". Since you are publishing it to third parties, you need the author's consent. There is also the issue of exhibition rights, as such art competitions usually involve exhibiting the paintings somewhere.



Konaka

I see, I will be careful.

## Attribution Right (Article 19)

The attribution right, as the name implies, is the right to determine the name to be displayed as the author when the copyrighted work is offered or presented to the public.

- Whether to display a name or not.
- If displayed, whether it is your real name or an alias (pen name, artist's name, etc.).

In the case of derivative works, both the author of the original work (the second sentence of Article 19(1)) and the author of the derivative work have the attribution right. There are certain limitations on the attribution right and the following cases do not constitute infringement:

- When using a copyrighted work, the user may indicate the name already indicated in the copyrighted work. If the author's special intention requires a different name to be indicated, the user must follow the intention (Article 19(2)).
- If it is difficult to indicate the name and there is no risk of harm to the interest of the author in claiming to be the author, the name need not be indicated as long as it does not violate fair practice (Article 19(3)).

For example, when background music is played in a hotel lobby, there is no need to announce who the composer is, every single time.

## Integrity Right (Article 20)



Sumiki

The integrity right is the right not to have the content or the title of the author's copyrighted work "altered (modified, mutilated, etc.)" against the author's intention without permission.



Konaka

Can you crop a photo and use it, or change the text etc...?\*1



Sumiki

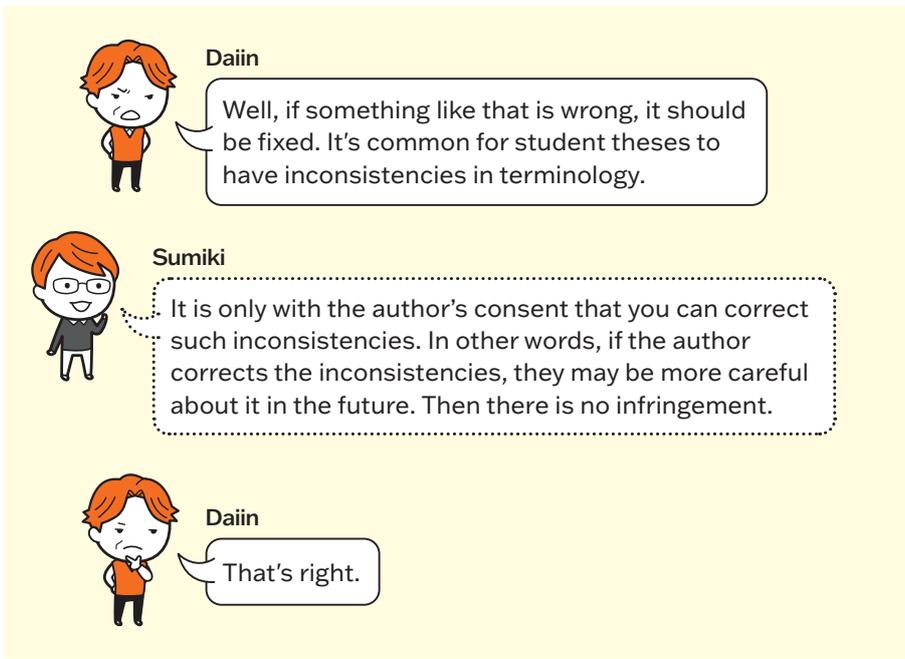
Please note that changing "," to ";" deleting a line break, and changing paragraph breaks or changing the wording for consistency may also infringe the integrity right.\*2

### MEMO \*1

Tokyo District Court, March 26, 1999, HANREI JIHO No. 1694, p. 142 [Dolphin Blue case].

### MEMO \*2

Tokyo High Court, December 19, 1991, HANREI JIHO No. 1422, p. 123 [Hosei University Prize Essay Case].



However, alterations are permitted in the followings (Article 20(2)):

- (1) If the use of a work is permitted by application of the following provisions: publication in textbooks (Article 33(1) and (4)), publication in substitute materials for textbooks (Article 33-2(1)), reproduction for the preparation of expanded textbooks (Article 33-3(1)), and broadcasting of school educational programs (Article 34(1)), the use of a work is unavoidable for school education (Article 33-2(1)).
- (2) Alteration due to extension, reconstruction, repair, or redecoration of buildings.
- (3) Program version upgrades and other modifications.
- (4) Other modifications that are deemed unavoidable in light of the nature of the work and the purpose and manner of its use.

An example of (1) is converting difficult Kanji into Hiragana so that they are easier to read for younger students.

Regarding (4), due to the performance of the printing press, it may not be possible to reproduce the exact colors in the same way as the original, or when a singer may not be able to sing the original melody as it was sung because of the abilities of the singer.

It is difficult to determine the specific extent to which a work is "unavoidable." If you are not sure, you should check with the author.

#### POINT

There are three moral rights: (a) the publication right, (b) the attribution right, and (c) the integrity right!\*3

#### MEMO \*3

"The exploitation of a work in a way that is prejudicial to the honor or reputation of the author" is deemed an infringement of the author's moral rights (Article 113(11)). Although not strictly defined as a right, this provision is sometimes called the "honor and reputation right" as a fourth right.

## Copyrights (Economic rights)

Copyright as economic rights includes the followings:\*1

- Reproduction Right (Article 21).
- Stage Performance Right and Musical Performance Right (Article 22).
- On-Screen Presentation Right (Article 22-2).
- Public Transmission Right, Right of Making Transmittable, and Public Communication Right (Article 23).
- Recitation Right (Article 24).
- Exhibition Right (Article 25).
- Distribution Right (Article 26).
- Transfer Right (Article 26-2).
- Rent Out Right (Article 26-3).
- Translation and Adaptation Rights etc. (Article 27).
- Rights of the Original Author in Connection with the Exploitation of Derivative Works (Article 28).



Konaka

There are a lot of different rights.



Sumiki

Yes. Some people may find it a little difficult. Copyright is sometimes called a "bundle of rights".\*2 First of all, it is good to understand that there are two major rights.



Konaka

Only two!



Sumiki

There are two fundamental rights. The first is (1) the right to copy copyrighted works. The other is (2) the right to communicate the copyrighted work to the public.



Daiin

Hmmm. Maybe I can remember that.



### MEMO \*1

Since it is difficult for a copyright owner to trace a user's act of perceiving or enjoyment of a work, such as by viewing, listening to, or reading a work, these are not subject to copyright (see Kaoru Okamoto, *The Concept of Copyright*, Iwanami Shinsho, 2003, p. 160).



### MEMO \*2

Taku Inoue, *Latest Copyright Introduction by SNS*, Seibundo-Shinkosha, 2022, p. 53, explains that there are many copyright rights by comparing them to grapes.



Sumiki

(1) The "right to copy" is like a prerequisite for (2) the "right to communicate the copyrighted work to the public", because the more copies that are created, the more opportunities for communicating to the public. For (2), "the right to communicate to the public," the number of rights has increased as the means of communicating publicly have become more diverse due to technological advances.

We can communicate to the people in front of us via "stage performances," "musical performances," "recitations," and "exhibitions." As technology advances and copyrighted works can be fixed in some form, they can be conveyed to people far away. These include "transfer," "rent out," and "distribution." Furthermore, "public transmission" and "making transmittable" are used to convey copyrighted works to people far away, even if they are not in a tangible form.



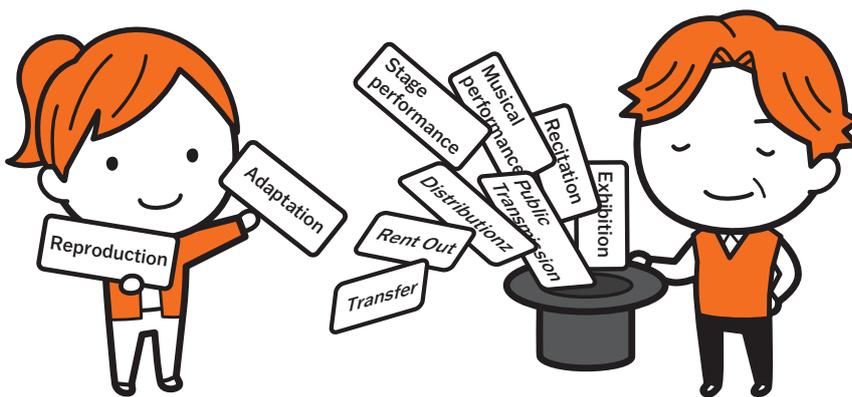
Konaka

How should we understand an adaptation?



Sumiki

Adaptation is the addition of new creative elements to a preexisting work. So, please understand that it is a sort of (1) the "right to copy".



As explained in Section 04, "What is Copyright?" (P.16), a reproduction right is "the right not to be reproduced without permission. Copyright as an economic right can be transferred or inherited (Article 61(1)).

For example, Masamoto Nasu, author of the *Zukkoke Sannin-Gumi* (*The funny trio*) series, reportedly transferred (bequeathed) the copyrights of all his works to a literary organization in his will.\*1

"Adaptation" is a term unique to the Copyright Act, but it means the act of creating a derivative work by adapting it or making it into a film.\*2

The terms "public transmission right" and "right to make transmittable" may also be unfamiliar to you. The public transmission right is the right to transmit a copyrighted work to the public (to an unspecified or specified number of persons). For example, among public transmissions, automatic public transmission means putting the copyrighted work on a website for a large number of people to view, or posting the copyrighted work on a social networking service for a large number of people to see. Making transmittable means uploading a copyrighted work to a server, etc. to make it available for automatic public transmission, regardless of whether it has been transmitted or not.\*3



Konaka

What makes "public communication" different from "public transmission"?



Sumiki

To use a simple example, a broadcaster broadcasting a TV program is a "public transmission," and a TV program shown on a TV set up in a cafeteria or other location for customers to watch is a "public communication".



Konaka

I see, so you are saying that it is a device that can receive and watch something that has already been publicly transmitted.



Sumiki

By the way, the use of an ordinary household receiver to broadcast a copyrighted work does not constitute an infringement of the public communication right, even if it is for profit or a fee.\*4



## MEMO \*1

Donation of all copyrights, "Zukkoke Sannin Gumi," Masamoto Nasu's Wish for Children's Literature, Mainichi Shimbun, October 5, 2022, <https://mainichi.jp/articles/20221004/k00/00m/040/188000c>



## MEMO \*2

The act of creating a derivative work, including translation, arrangement, or transformation for the sake of convenience, is sometimes called "adaptation".



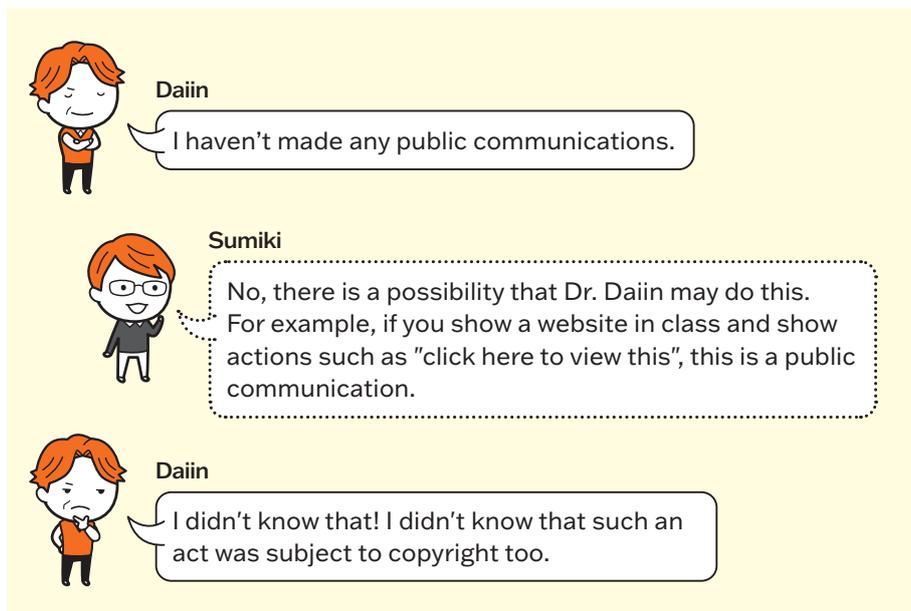
## MEMO \*3

Article 23(1) brackets.



## MEMO \*4

The second sentence of Article 38(3).



**Daiin**  
I haven't made any public communications.

**Sumiki**  
No, there is a possibility that Dr. Daiin may do this. For example, if you show a website in class and show actions such as "click here to view this", this is a public communication.

**Daiin**  
I didn't know that! I didn't know that such an act was subject to copyright too.

**POINT**

Copyright is the right not to do specific acts without permission.

**Neighboring rights**

Neighboring rights are granted to those who "convey" copyrighted works (Article 89). Like copyrights, these rights are automatically granted upon performance, sound fixation, broadcasting, or wire broadcasting, and do not require any registration (Articles 89(5) and 101(1)).

**POINT**

Neighboring rights protect those who play an important role in the conveyance of copyrighted works.

The followings are the owners of neighboring rights.

Please see the texts of CRIC and other sources to find out what rights you have to each of them.\*1

- Performers: singers, actors, dancers, etc. who perform copyrighted works, etc.
- Record producer: a person who first fixed (recorded) the sound (e.g., a record company).
- Broadcaster: a person who engages in broadcasting as a business (TV broadcaster, radio broadcaster, etc.).
- Cable broadcasting operator: a person who engages in cable broadcasting as a business (cable TV, cable music broadcasting station, etc.).

**MEMO \*1**

IV. Author's rights and neighboring rights under the Japanese copyright law, Copyright System in Japan, CRIC:  
<https://www.cric.or.jp/english/csjs/csj4.html>



Konaka

Perhaps elementary school students imitating their idols and dancing are performers?



Sumiki

Yes. Permission is required if the dance is to be recorded or published on a website.



Daiin

Does the record producer's "fixing the sound" apply to me recording my dog's barking on my phone?



Sumiki

Applicable. This fixed "sound" does not have to be a copyrighted work.



Daiin

I'm a record producer too!



## Protection Term

Copyright does not last forever but has a fixed protection term.

### Copyright

- 70 years after the author's death from the time of the creation of the copyrighted work (Article 51).
- For copyrighted works under an unknown name, an unusual name, or a collective name, and cinematographic works, 70 years from the time of publication of the copyrighted work (Articles 52(1), 53(1), 54(1)).

### Neighboring rights

- Performances are 70 years from the time of performance (Articles 101(1)(i) and 101(2)(i)).
- A record is from the time the sound is fixed (recorded) to 70 years after publication (Article 101(2)(ii)).
- Broadcasting and cable broadcasting is 50 years from the time of broadcast (Article 101(2)(iii) and (iv)).

### Column

#### Wartime extensions

As for the copyright protection term, the rules add the protection term for copyrights that were not protected during World War II, and for which the Allied nations and Allied nationals had copyrighted in Japan on December 7, 1941 (the day before the war began), and for which copyrights were acquired from December 8, 1941 (the day Japan entered the war) to the day before the date the peace treaty came into effect for the Allied nations concerned (e.g., April 27, 1952, for the United States). For example, in the case of the United States, the copyright was acquired on April 27, 1952).



Daiin

Oh, I know this one...the protection term used to be 50 years and now with the TPP it's 70!



Sumiki

That's right...



Konaka

My grandfather passed away about 10 years ago, so if there are any copyrighted works by him, they will be protected for another 60 years.\*1 I wonder if I'll still be alive...

### WORD

#### TPP (Trans-Pacific Partnership Agreement)

Abbreviation for the Trans-Pacific Partnership Agreement, an economic partnership agreement signed on February 4, 2016.



### MEMO \*1

There is a caveat to Dr. Konaka's grandfather's story. The end of the protection term is counted from January 1 of the year following the year of the author's death, not from the date of the author's death (Article 57). Therefore, if the grandfather died on May 1, 2012, the protection term is counted from January 1, 2013, which means that the protection term will expire 70 years later, on December 31, 2082.



Sumiki

Well, after 70 years, the grandchildren may not be alive, and more often than not, you may not know who the copyright owner is.



Konaka

What if I want to get permission but can't find the copyright owner?



Sumiki

There is a system that can be used legally instead of having to pay compensation, based on a ruling from the Commissioner of Cultural Affairs.



Konaka

Wait, the Commissioner of Cultural Affairs...



Sumiki

Of course, there is a procedure, so we're not going to go directly to the Commissioner. I will explain this in detail in Chapter 4.

#### POINT

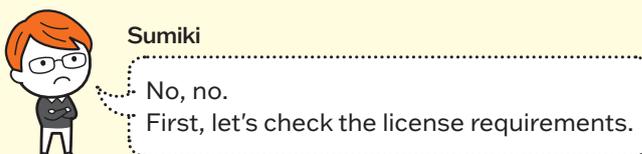
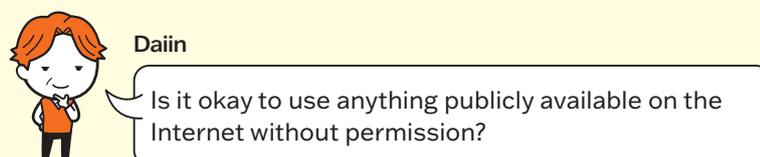
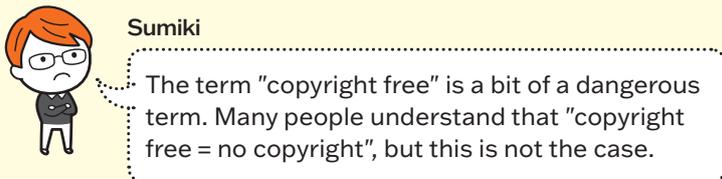
The protection term is basically from the time of the creation of the copyrighted work to 70 years after the author's death.

## Public Domain

Public domain means public ownership. It can be freely used by anyone without the permission of the copyright owner.\*1 The followings fall under this category.

- Copyrighted works whose protection term has expired.
- Copyrighted works for which the copyright owner has waived their rights.
- The copyright owner is dead and there are no heirs (Article 62(1)(i)).

A derivative work based on a public domain work is copyrighted from the time the derivative work is created. Note that even the derivative work is not in the public domain.



## MEMO \*1

To be precise, once in the public domain, anyone is free to perform acts that were the subject of copyright as long as they do not infringe on the moral interests of the author (Supreme Court, January 20, 1984, HANREI JIHO No. 1107, p. 127 [Ganshinkei Case]).

The protection term of moral rights after death is not limited and theoretically lasts forever. Therefore, copyrighted works that have entered the public domain 70 years after the author's death are also theoretically protected.

However, claims regarding moral rights after the author's death can only be made by the deceased author's "spouse, children, parents, grandchildren, grandparents, or siblings," in other words, up to the second degree of kinship (Article 116(1)). Therefore, if these persons die, there will be no claimant, meaning the end of the protection term of moral rights after the author's death.

See Nobuhiro Nakayama, *Copyright Law*, 4rd ed., Yuhikaku, 2023, p. 672.

## License

A license is permission given by the author or copyright owner to the user, saying, "You may use it in this way". It may be granted individually upon request from the user, or it may be presented in advance by the rights owner.

When using the copyrighted works of others, be sure to check the terms of use, license, or license agreement to see if there is a license, and if so, what it entails.

### Check the Terms of Use

One of the illustrations we have seen recently in various places is by "Irasutoya".

If you go to the website of "Irasutoya", you will find the "Terms of Use" page.\*1

The materials distributed on this site may be used free of charge by individuals or corporations, commercial or non-commercial, as long as they are within the scope of the terms of use.

Do not think, 'Oh well, I get to use it for free!'. You should not be reassured that you can use the service for free. You need to make sure that you are within the terms of use. Please read the FAQs carefully for detailed instructions on how to use the site.

Particular attention should be paid to the fact that it states that a fee will be charged for the use of 21 or more illustrations in a single production for commercial use.

Sites that provide such illustration materials and photo materials often have terms and conditions of use written in them such as "About Use," "Terms of Use," and "License," so be sure to check them carefully before using them.

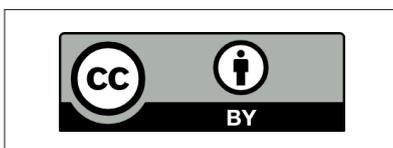
Google Maps, which you may be familiar with, also requires credit.\*2 Please be aware that removing the credit already displayed may constitute a breach of contract or an infringement of rights.

### Creative Commons License

One of the most famous licenses is the Creative Commons License, but because the name is long, it is sometimes abbreviated to "CC". CC is used around the world as a tool for authors who publish their works to express their willingness to say, "You are free to use my work as long as you abide by these terms of use".

This material is also published under "CC BY 4.0" (this symbol is marked in the footer). 01

01 Creative Commons (CC BY 4.0)



This is called "attribution," and as long as "the credit of the original author (name, the title of the work, etc.) is indicated," modification and commercial use are allowed.

### MEMO \*1

Irasutoya, Terms of Use:  
<https://www.irasutoya.com/p/terms.html>

Frequently Asked Questions:  
<https://www.irasutoya.com/p/faq.html>

### MEMO \*2

Google Maps, Google Earth, and Street View  
<https://about.google/brand-resource-center/products-and-services/geo-guidelines/>

Please note that sometimes there are people who mistakenly think that because it has CC indicated, they are free to use it, but credit is required even for BY.

In CC, BY must be added. Other conditions can be combined with the indications as shown in the [Creative Commons example] below to provide the conditions desired by the author. <sup>02</sup>

<sup>02</sup> Creative Commons example

Display	Meaning	Summary
SA	Share Alike	If you modify the work, you must distribute it under the same CC license as the original.
ND	No Derivatives	No derivative work is permitted.
NC	Non-Commercial	Must be non-commercial.

For example, CC-BY-ND-NC means that you can use it as long as it is "credited, no derivative work is allowed, non-commercial". There are a total of six types.

There is also CC0, which indicates a waiver of rights.

Works marked with CC0 are free to use. <sup>\*3</sup>

For more information, please visit the Creative Commons website. <sup>\*4\*5</sup>

**POINT**

Be sure to check the license!



Konaka

Even if you don't use CC, there are quite a few sites that require "credit" in their terms of use.



Sumiki

In that case, you must use the copyrighted work by properly indicating the name of the work and the name of the author.



Daiin

Even if there are no terms of use or anything, if it's on the Internet, you're allowed to use it, right?



Sumiki

No. If nothing is written, it basically means that permission is required for use. Just because it is published on the Internet does not mean that you are free to use it.



**MEMO \*3**

About CC0 - "No Copyright."  
<https://creativecommons.org/publicdomain/zero/1.0/>



**MEMO \*4**

Creative Commons  
<https://creativecommons.org/>



**MEMO \*5**

In Tokyo District Court, October 12, 2021 (2021 (wa) 5285) [Photo on Flickr Case], the court ruled that the defendant's use of a photo by the plaintiff (photographer) posted on Flickr under a Creative Commons License (BY-SA) on his website without giving credit to the author constituted an infringement of the public transmission right and the attribution right.

## Limitation of rights

As explained in Section 01, "What is the Copyright Act?"(P.05), the Copyright Act aims to develop culture by considering not only the protection of authors' rights but also the "fair exploitation" of copyrighted works.

To promote "fair exploitation," the Copyright Act stipulates situations in which copyrighted works may be used without the permission of the copyright owner, and these are called "limitations of rights."<sup>\*1</sup> These provisions limit the rights of copyright owners and define the scope of fair exploitation.

There are many limitations of rights, but the following are a few that may be relevant to you, the reader of this material. If any of these apply to you, you may use the material without the permission of the copyright owner.

### Reproduction for private use (Article 30)

- It is OK to make your copies only for your use or for use within your home or another similarly limited area.
- The voyeurism of movies in theaters and other places is not allowed, even if you are the only one watching the movie (Article 4(1) of the Law for the Prevention of Voyeurism of Films).
- Downloading illegally uploaded copyrighted material knowing that the material is an infringement of copyright is also not allowed (Article 30(1)(iii)).



Konaka

Downloading a favorite image from a website and using it as wallpaper for your phone is a reproduction for private use, right?



Sumiki

That is correct. But uploading the image to a social networking site is an infringement of the public transmission right since Article 30 only allows reproduction.



Daiin

What about handing out copies of newspaper articles at staff meetings?



Sumiki

Such a meeting is for business purposes, so it is not private. It is not a reproduction for private use.<sup>\*2</sup>



Konaka

What if it was a neighborhood association?



### MEMO \*1

Note that the limitation of rights shall not be construed as affecting moral rights (Article 50), so consideration must be given to moral rights.



### MEMO \*2

Tokyo District Court, July 22, 1977, Mutaireishu 9, 2, 534.



Sumiki

It is also hard to describe such gatherings as "within the family" or "within a similar limited range", so it does not apply to this group.\*3



Daiin

Well, there was a book scan service case or something like that...



Sumiki

In that case, a person who wanted to digitize a purchased paper book hired a service provider to scan it, but the person who wanted to use the copy had to make the copy themselves to be covered by Article 30.\*4



Konaka

Private reproduction does not mean you can reproduce too widely...

### Use of Incidental Works (Article 30-2)

- It is OK for a copyrighted work to appear as a minor part of an accompanying photograph or video when it is taken.
- Public transmission of incidentally captured photos and videos is OK within the legitimate scope.
- But not if it unreasonably prejudices the interests of the copyright owner.

### Reproduction in libraries, etc. (Article 31)

- Libraries may reproduce works of library materials as a not-for-profit enterprise in the following cases:
  - When one copy of a part of a published work is provided per person upon request of the user.\*5
  - When necessary for the preservation of library materials.
  - When providing copies of out-of-print materials at the request of other libraries, etc.

#### MEMO \*3

Tokyo District Court, November 8, 2022 (2022 (wa) 2229) held that "for the scope of use of a work to be considered 'within the limited scope of other similar uses,' it is necessary to have at least a close and closed relationship to the extent that it is equivalent to a family".

#### MEMO \*4

Intellectual Property High Court, October 22, 2014, HANREI JIHO No. 2246, p. 92 [Book Scan Service Provider Case].

#### MEMO \*5

As a general rule, "a portion" is understood to mean "up to half" of a work. For the operation of the National Diet Library, please visit *Information about Copyright* of the National Diet Library.

Information about Copyright  
<https://www.ndl.go.jp/en/copy/copyright/index.html>

In addition, under the 2021 amendment to the Copyright Act, the provision of copies of materials for publicity by the state, etc., and other works specified by Cabinet Order as having special circumstances in which the provision of copies of the entire work is deemed not to unreasonably prejudice the interests of the copyright owner is covered in its entirety (Article 31(1)(i), bracketed).

**Publication in textbooks, etc. (Article 33)**

- May be published in textbooks to the extent necessary for school education.
- Translation, arrangement, transformation, and adaptation OK for inclusion in textbooks.\*6
- Requires notification and compensation to copyright owners.

**Reproduction, etc. as examination questions (Article 36)**

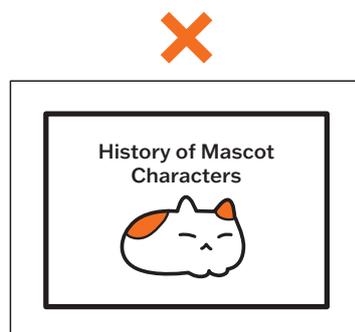
- Reproduction and public transmission (excluding broadcasting and cable broadcasting) of works that have already been published as examination or examination questions to the extent necessary for the examination. \*7\*8
- OK for examinations done in an online format.
- However, if it would unreasonably prejudice the interests of the copyright owner, it is not acceptable.
- Compensation must be paid when used for commercial purposes such as paid examinations, employment examinations, etc.
- When publishing past exam questions on the web or distributing them at open campuses, permission from the copyright owner is required since Article 36 is not applicable.

**Performances, etc. not for profit (Article 38)**

- Public stage performances, musical performances, on-screen presentations, or recitations of a published work are OK if they are not for profit, if no fee is charged by the audience, and if no compensation is paid to the performers.
- It is OK to lend copies of published works, such as CDs, when not for profit and when no fee is charged by the lender.

**POINT**

Limitations of rights seek to promote fair exploitation by limiting the rights of authors.



The following two are particularly useful limitations of rights in the classroom and are discussed in detail in Chapter 2.

- Citation (Article 32(1)).
- Reproduction, etc. in educational institutions (Article 35).

**MEMO \*6**

Changes in type or terminology or other alterations that are unavoidable for school education (Article 20 (2)(i)) do not constitute an infringement of the integrity right.

**MEMO \*7**

This provision was established because it is not appropriate to obtain permission from the copyright owner in advance due to the nature of the examination.

**MEMO \*8**

Although modification of questions that are necessary due to the nature of the question (e.g., fill-in-the-blanks questions) raises issues concerning the integrity right, modification is permissible to the extent necessary as an unavoidable modification (Article 20(2)(iv)) (see Tatsuhiro Ueno, *Copyright Guide for Educators and Researchers*, Yuhikaku, 2021, p. 148, and See also Nobuhiro Nakayama, *Copyright Law*, 4rd ed., Yuhikaku, 2023, p. 441).

## Penal Provisions

We have explained various rules that you should comply with, but if you break those rules and the criminal court determines that you have willfully infringed copyright, the criminal penalty is imprisonment for not more than 10 years or a fine of not more than 10 million yen, or both (Article 119(1)).



Konaka

It's still a crime to break the law...



Daiin

But copyright is a crime requiring a complaint from the victim for prosecution, right? You can't be guilty of a crime if no one submits a complaint, right?



Sumiki

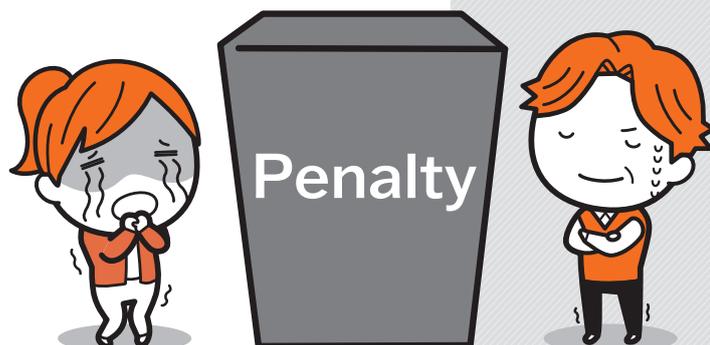
The reason why the Copyright Act has this system is that there is no need to prosecute if the author or copyright owner thinks it's okay. However, just because you are not prosecuted does not mean you can do it. It is still a violation of the law. As long as you are breaking the law, you never know when you might be prosecuted.

The Copyright Act was amended in 2018 to make it an offense prosecutable without a complaint from a victim if it meets all of the following requirements (Article 123(2)):

- The purpose of obtaining compensation or the purpose of harming the interests of the right owner.
- Transferring, publicly transmitting, or reproducing for such purposes, in its original form, a copyrighted work that is offered or presented to the public for a fee (paid copyrighted work, etc.).
- Unjust harm is caused to the interests of right owners who are expected to gain from the provision or presentation of paid copyrighted works, etc.

Specifically, selling pirated copies of manga, movies, anime, etc., or publishing them on the internet can be a criminal offense even without a complaint from the rights owner.

On the other hand, derivative works such as fanzine (dōjinshi) sold at Comiket and other events remains a crime prosecutable upon a complaint from the victim.



## SECTION

# 01

# Classes and copyrighted works

This section describes the requirements for dealing with third-party copyrighted works in classes, the definitions of terms, and the flow for dealing with copyrighted works in classes.

## Copyrighted Works in Classes



Sumiki

What are some of the situations in which you deal with third-party copyrighted works in your classes?



Konaka

Use of text or illustrations in print or ...



Daiin

I sometimes use them in the slides I show in my class. I also use the LMS (Learning Management System) to distribute materials.



Sumiki

Dr. Konaka also writes on the board and reads to the students, right?



Konaka

Oh, is that related to copyright too?



Sumiki

Writing on the board is related to reproduction rights, reading publicly is subject to recitation rights, and distributing materials in the LMS involves reproduction and public transmission rights.



Daiin

In "Chapter 1 Section 04 What is Copyright?" (P.22) we were told that viewing and operating a website is a public communication.



Sumiki

We have that, too. Also, there are times when we play videos in classes, and that involves on-screen presentation rights.

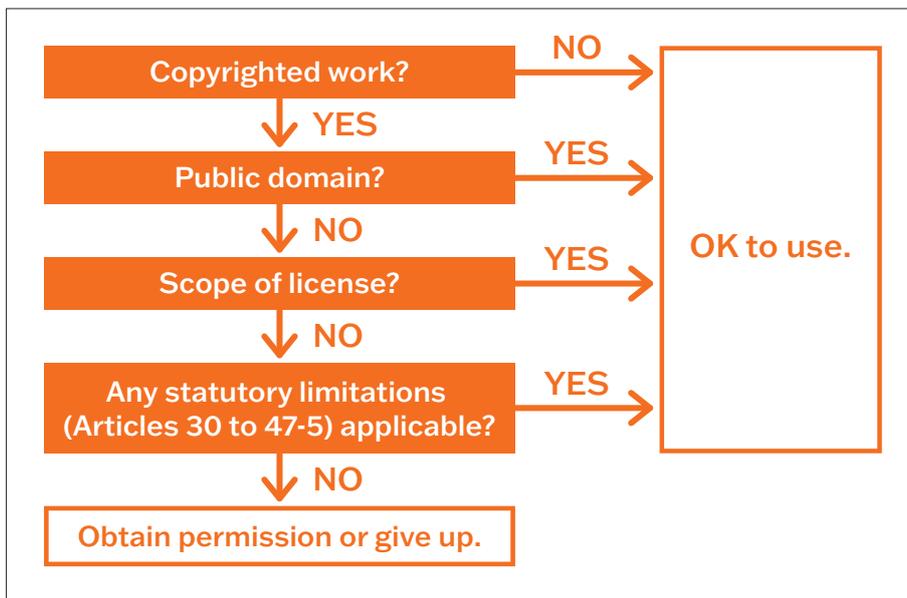


Konaka

So, copyright involves many different rights.

In "Chapter 1, Section 04 What is Copyright?"(P.30) we talked about available copyrighted works and limitations of rights. When handling a third party's copyrighted work in classes, it is necessary to confirm as shown in the "flow chart for handling copyrighted works in classes" below. **01**

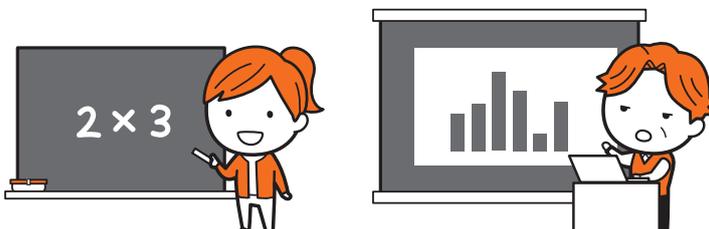
**01** Flow chart for dealing with copyrighted works in classes.



There are many provisions limiting rights, but in the classroom, it is recommended to keep in mind "Citation (Article 32(1))", "Reproduction, etc. in schools and other educational institutions (Article 35)", and "Non-profit on-screen presentation, etc. (Article 38)".

Article 38 can apply to many cases like the previous examples such as reading to a class or showing a video.

We explain Articles 32 and 35 in more detail in the following sections.



SECTION

# 02 Citation (Article 32(1))

This section explains "Citation" under the Copyright Act. There are many requirements regarding "Citation", and there are many explanations, but please try your best to read them.

## What is a citation?



Sumiki

What do you think of when you hear the word "citation"?



Daiin

If it's used or pulled from somewhere else, is it a citation? Is it a reprint?



Konaka

Like a summary or something?



Sumiki

"Citation" in the broadest sense means different things to different people. What is explained here is only a "citation" under the Copyright Act. Please note that the term "citation" used in a broader sense has a different meaning.

Article 32(1) of the Copyright Act states:

### Article 32 (Citation)

(1) A published work may be quoted and used. In this case, the citation shall conform with fair practice and within the scope justifiable for news reporting, criticism, research, and other citations.\*1

To use a copyrighted work as a citation under Article 32(1), **all of the following requirements must be met:**



### MEMO \*1

CRIC, Copyright Law of Japan:  
<https://www.cric.or.jp/english/clj/cl2.html>

- A published work.
- A "citation".
  - Distinctiveness: the cited part must be clear (e.g., brackets, separator lines, etc.).
  - Master-subject relationship: the text is the "master" and the cited part is the "subject" in both quantity and quality.
- Use by citation is consistent with "fair practice" and "within the legitimate scope for the citation".\*2
  - It should not cause significant financial damage to the copyright owner, such as adversely affecting the sale of the copyrighted work, and the question is whether the portion of the entire work that is cited and used is reasonable in scope.
- Indicate the source.\*3
- The cited part must not have been altered.\*4



Daiin

What does it mean that "it must be a citation" is among the requirements for applying a citation?



Sumiki

You want to reproduce a third party's work for some purpose.\*5 At that time, it must be clear which part of your work is being reproduced (distinctiveness), and your work must be qualitatively and quantitatively the "master" (master-subject relationship). These are the minimum requirements for a "citation" rather than a mere reprint [difference between citation and reprint].<sup>01</sup>



Daiin

I see. So, if it is a "citation," and all the other requirements, such as the source indication, are met, then Article 32 can apply.



Sumiki

Your understanding is correct.\*6



## MEMO \*2

The purpose, method, and manner of the use of another person's work, the type and nature of the work to be used, and the existence or non-existence and degree of influence on the copyright owner of the work in question should be comprehensively considered. Tokyo District Court, February 21, 2018 (2016 (wa) 37339) [Okinawa Urizun no Ame Case].



## MEMO \*3

To be precise, the indication of the source (Article 48(1)(i)) is not a requirement for citation, but a court considers it in determining whether it conforms to "fair practice" (Intellectual Property High Court, August 23, 2018 (2016 (ne) 10023) [Okinawa Urizun no Ame Case]). In any case, it is important to understand that the source must be indicated.



## MEMO \*4

Although not strictly a requirement for citation, we also add that the cited part has not been altered because of the need to consider the integrity right.



## MEMO \*5

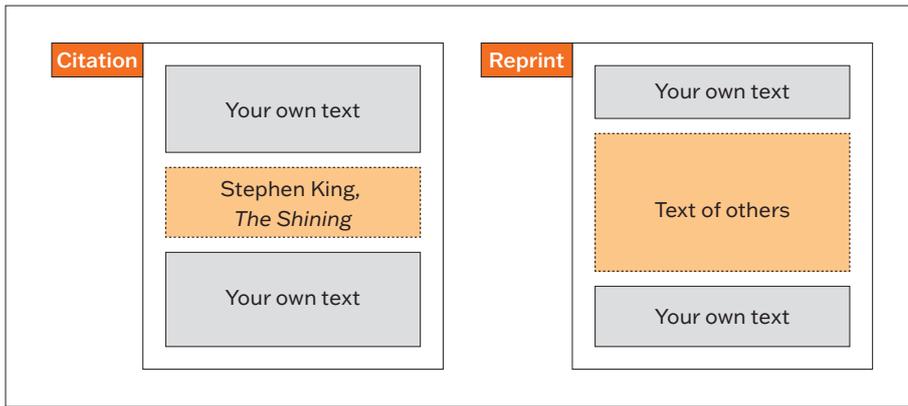
There is no definition of "reprint" in the Copyright Act. According to Nobuhiro Nakayama, *Copyright Law*, 4rd ed., Yuhikaku, 2023, p. 428, "Reprint means publishing a work in whole or in part as is. The citation is also a type of reprint".



## MEMO \*6

There are various opinions on understanding the requirements for citation, especially regarding distinctiveness and the master-subject relationship. Regardless of the understanding, as long as these requirements are met, it will be a legitimate citation.

01 The difference between citation and reprint.



Column

There is also an opinion that the necessity of citation is a requirement. For example, Moriyuki Kato, *Commentary on the Copyright Act 7th revised ed.*, CRIC, 2021, p. 302, and the Tokyo District Court, February 9, 2011, pointed out that the lack of necessity of citation is one circumstance that is consistent with "fair practice" and does not fall "within the legitimate scope" for citation. However, the prevailing view is that the necessity of citation is not required (Nobuhiro Nakayama, *Copyright Law, 4rd ed.*, Yuhikaku, 2023, p. 421).



Sumiki

It is often not a legitimate scope for citation to include illustrations for liveliness because the margins of prints, slides, etc. are blank. However, if you need to study or critique a certain character, you can cite and use a picture of that character.



Daiin

If it was a study of Pikachu, you could use Pikachu's picture.



Sumiki

You need to fulfill all the requirements for citation, so it does not mean that you can use any picture of Pikachu if you are researching Pikachu.



Konaka

What is the source? ...



Sumiki

Haha, the usual way to say it is "show the source".



Daiin

If it's a sentence, it has to be written as is, right?  
Even if there are typos in the original text?



Sumiki

The cited part should be written as it is. If there are typos or omissions in the original, it is best to write "as is" or something similar. Translated citations are allowed under the Copyright Act.\*1



Konaka

What should I do with the images and such? Do I crop a portion of the image with the minimum necessary or use it in its original form without alteration?



Sumiki

The basic rule is to use the image as is. However, if you wish to refer to a part of the image with particular attention, you must indicate that it is a part of the image and make it clear that it is a citation [example of citing an image]. 02\*2

### 02 Sample image citation.



Original image:  
oo Architectural Photo Book, P.XX,  
photographed by Yuki Amano.



Enlarged image

Designed by Kengo Kuma and Associates, located on the Ookayama campus of Tokyo Institute of Technology, it is characterized by a large stair-like roof. The roof, composed of planting and deck.



### MEMO \*1

While translation citations (Article 47-6(1)(ii)) are permitted under the Copyright Act, a summary citation is not permitted under the Copyright Act and is left to interpretation (a court permitted summary citation, see Tokyo District Court, October 30, 1998, HANREI TIMES No. 991, p. 240 (Blood Type and Personality in Social History Case)).



### MEMO \*2

Nobuhiro Nakayama, *Copyright Law*, 4rd ed., Yuhikaku, 2023, p. 428, states, "In the citation, the issue of the integrity right inevitably arises unless the citation is full, but as long as a partial citation is the norm and the citation is legal, the author is unlikely to be misled as to its connection with the work. As long as the citation is lawful, there is little risk that the author will be misled as to the connection with the work. The court concluded that the integrity right is not infringed.



Daiin

What should I do with a video? I know you said not to alter it, but don't you want to mention just a particular scene?



Sumiki

For videos, it is possible to cut out the part of the video to be cited to the extent necessary or to use screen captures. Again, the citation must be clear and meet all requirements for citation.



Konaka

The extent of using only what is needed is well understood, but what is the master-subject relationship like?



Sumiki

In the case of text, the part you are writing must be more than the cited part. In the case of images, if the image is used in such a way that it has the main meaning, it does not count as a citation. For example, a half-page spread in an art book is a high-quality image.



Daiin

In many cases, a slide page can only contain the image and a little explanatory text. Then the image will inevitably be larger.



Sumiki

I think you are usually using slides when you are giving a presentation, so you are explaining verbatim. If you do so, your content together with the teacher's explanation would be the "master" content, and the image would be the "subject" content, then I think you can apply the citation. However, if only this slide material is distributed, the teacher's verbal explanation will be lost, and when the entire slide is image-centered and one's explanation part is thin in both volume and content, the master-subject relationship may be NG.\*3



Daiin

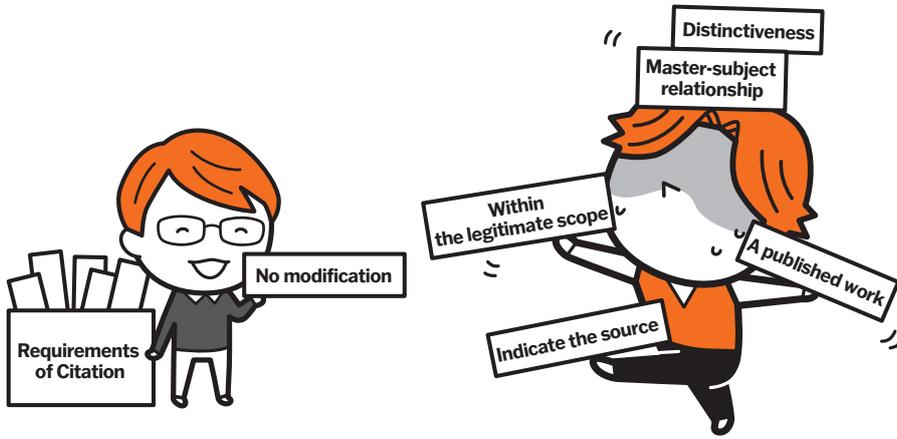
Hmmm, harsh ...

### MEMO \*3

The quantity of the master-subject relationship is not formally determined. For example, it was held that it is not appropriate to compare the number of works cited with that of the cited work by taking only the pages where the work is cited in a book (Tokyo High Court, April 25, 2000, HANREI JIHO No. 1724, p. 124 [Datsu Gomanizumu Sengen Case]).

**POINT**

"Citation" under the Copyright Act must meet all requirements.



### SECTION

# 03

## Reproduction, etc. for class purposes (Article 35)

This section describes Article 35, which governs reproduction and public transmission for classroom purposes. It also explains what happened when Article 35 was amended in 2018.

### Limitations on rights when dealing with copyrighted works in the classroom

Article 35 of the Copyright Act provides for limitations on rights when dealing with copyrighted works in the course of classes. It allows the use of other people's copyrighted works without the permission of the copyright owner, although only to a limited extent, for materials that you wish to share with students in a class.

It is important to be aware that you cannot do everything, but what you can do and the scope of what you can do are "limited". They are written in the text of the Copyright Act, and the Guidelines for Article 35 under the Amended Copyright Act attempt to summarize them in more concrete terms.

Such material, we simply call the Guidelines. The Guidelines are explained in detail in "Section 04: Guidelines for Article 35 under the Amended Copyright Act"(P.48).

The Article reads as follows.

#### Article 35 (Reproduction in Schools and Other Educational Institutions; Related Matters)

(1) A person in charge of teaching or a person taking classes at a school or other educational institution (except one founded for commercial purposes) may reproduce a work that has been made public or transmit that work to the public (including making that work available for transmission, if it is to be transmitted to the public via automatic public transmission; hereinafter the same applies in this Article), or publicly communicate a work that has been made public and is transmitted to the public through a receiver to the extent that is found to be necessary if the purpose of doing so is exploitation in the course of those classes; provided, however, that this does not apply if the action would unreasonably prejudice the interests of the copyright owner in light of the nature and purpose of the work, the number of copies that would be made, and the circumstances of its reproduction, public transmission, or transmission.



Konaka

I don't know what you're talking about!  
Impossible! I'm already confused ...



Daiin

The sentences in brackets are long and it's  
hard to tell where they are connected ...



Sumiki

It is difficult because it is a legal expression. For those  
of you who find it difficult, we have the Guidelines for  
Article 35 under the Amended Copyright Act. In this  
material, the contents of the Guidelines will be explained  
in an easier-to-understand manner.



Daiin

It's got the word "amended" in it,  
but what does it mean?



Sumiki

I need to explain the background behind the  
creation of the Guidelines.

### Amended Article 35 in 2018

The Copyright Act is often amended, and in 2018 there was a major amendment to Article 35 and the sections related to it [former Article 35 and amended Article 35].<sup>01</sup> Specifically, a compensation system was introduced.

<sup>01</sup> Former Article 35 and amended Article 35.

#### Under the former Article 35

Paragraph 1 For class purposes,  
**reproduction is allowed  
without permission**  
if the requirements are met.

Paragraph 2 For class purposes,  
such as in remote  
joint classes, etc.,  
public transmission is  
permitted without permission.

#### Under the amended Article 35

Paragraph 1 For class purposes, **reproduction,  
public transmission, and public communication**  
are allowed without permission  
if the requirements are met.

Paragraph 2 In the case of public transmission as  
described in paragraph 1,  
**'a person that establishes  
the educational institution must pay  
compensation to the copyright owner.**

Paragraph 3 For remote joint classes, etc.,  
public transmission for class purposes  
does not require compensation.

Under the former Article 35, third-party copyrighted works were handled in the classroom as follows.

### What could be done without a license or free of charge for teaching purposes?

- Reproduction
  - Reproduction for classroom use and distribution of reproductions in the classroom.
- Public transmission in remote joint classes, etc.
  - A class in which it is assumed that at least the teacher and students are present at the main site and the students are present at a remote secondary site, and the class is simultaneously relayed to a remote site using a teleconferencing system, etc.\*1

### When permission was needed.

- Public transmissions other than public transmissions in remote joint classes, etc.
  - Public transmissions outside of class hours and public transmissions for on-demand classes
  - Public transmissions of simultaneous broadcasts but without students present at the site of the faculty member teaching the class (studio-type classes)
- Public communication such as projecting the screen of a website onto a screen with a projector.

Under the amended Article 35, public transmission for teaching and the aforementioned public transmission may be conducted without permission if compensation is paid. The table below summarizes what can now be done for each type of class, as shown in the "Permission for Public Transmission".<sup>01</sup>

What complicates matters is that compensation is not required for all public transmissions. Among public transmissions, so-called remote joint classes, etc., can be used without compensation and a license (Article 35(3)).

This is because the use that could be made free of charge before the 2018 amended Copyright Act will continue to be made free of charge, leaving use that can be made free of charge for public transmission after the amendment.\*2

#### MEMO \*1

Ryo Shimanami, Tatsuhiro Ueno, and Hisayoshi Yokoyama, *Copyright Law in Japan*, 4th ed., Yuhikaku, 2024, p. 198.

#### MEMO \*2

The terms "public transmission" and "public communication" are explained in "Section 04 What is Copyright?".(P.22) The definitions of terms and specific examples in the Guidelines are explained in "Section 04: Guidelines for Article 35 of the Amended Copyright Act"(P.48) below.

01 Permission for public transmission

Type of class	Where students participate in class	Distribution of learning materials*2	Public communication	Public transmission of materials		Public transmission of classes	
		in classroom	in classroom	in class time	out of class time	Live	Archived
Traditional classes	Classroom	◎	○*1	○	○	-	○
Remote join classes	Classroom	◎	○*1	○	○	-	○
	Remote	-	-	◎	○	◎	○
Studio classes	Remote	-	-	○	○	○	○
On-demand classes	-	-	-	-	○	-	○

◎: Since the former Article 35, it is allowed without permission and without compensation.

○: Under the amended Article 35, it is allowed without permission and with compensation.

\*1: No compensation required.

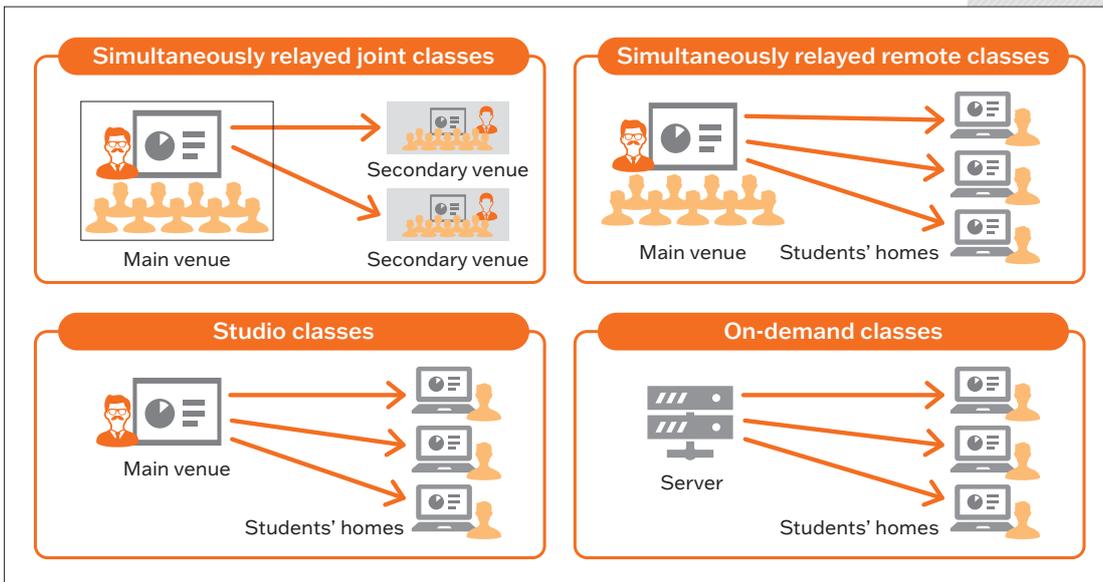
\*2: Distribution via printouts, USB memory stick, AitDrop, or other closed communication within the classroom.

The Agency for Cultural Affairs\*3, states that this material uses the term "remote joint classes, etc." because "remote joint classes" includes two types of classes. The term "remote joint classes, etc." includes "simultaneous relay joint classes" and "simultaneous relay remote classes".

The difference is whether or not there is a faculty member at the secondary site. In other words, a "simultaneous relay joint class" is a type of class in which multiple venues, each with faculty members and students, are connected in a manner that allows two-way communication. In contrast, a "simultaneous relay remote class" is a type of class in which a class being held in a classroom at the main venue with faculty and students is streamed in real-time, and the students can take the class alone at a secondary venue such as their homes [Classification of Remote Class Types]. 02

**MEMO \*3**  
Guidelines, p. 25.

02 Classification of Distance Learning Forms



**POINT**

Paying compensation has increased the number of situations in which public transmissions can take place without permission!

Compensation should be paid to the copyright owners of copyrighted works that have been publicly transmitted, but it is practically impossible for teachers and students in the field to find the copyright owners and pay them directly. Therefore, a management organization was created to collect the compensation, which is then paid to the organization and distributed to the copyright owners. This system is called the "Compensation System for Public Transmission for Educational Purposes". The collective payment of compensation is also made by the educational institution's establishment, so there is no need for each teacher to pay it (Article 104-11). The establisher is the city for a municipal elementary school, the prefecture for a prefectural high school, or a national university corporation or school corporation for a university.

The organization that collects, manages, and distributes this compensation is called SARTRAS (Society for the Administration of Remuneration for Public Transmission for School Lessons).<sup>\*1</sup>



Daiin

When you collect money from all over the country like that, what will it be used for?



Sumiki

Please do not be angry. We are sure that you will write a paper or book, and if your work is used in a public transmission in class, the money will be distributed to you from the compensation collected.<sup>\*2</sup>



Daiin

What? Can I get money?



Sumiki

That's right. So, when the time comes, you will be contacted so please take the necessary steps.



Daiin

What the heck, I'll just have to do it then.



MEMO \*1

SARTRAS

<https://sartras.or.jp/en/>



MEMO \*2

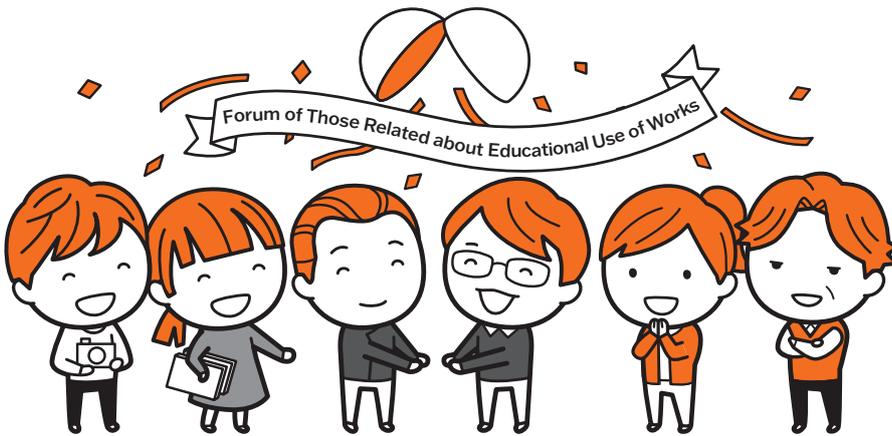
SARTRAS distribution page:

<https://sartras.or.jp/bunpai/>

When Article 35 was amended, a meeting was set up to bring together the rights owners and the educational institutions to discuss how Article 35 should be implemented. This is called the "Forum of Those Related about Educational Use of Works" ("Forum").\*3

As explained in "Chapter 1, Section 01 What is the Copyright Act?"(P.04), it is difficult to find a balance between the protection of rights and fair exploitation, so it was decided that a common understanding should be determined by sharing opinions between the parties.

Legal experts also participate as members and provide advice on legal perspectives.



 MEMO \*3

Forum of Those Related about Educational Use of Works:  
<https://forum.sartras.or.jp/>

SECTION

04

# Amended Copyright Act Article 35 Guidelines

This section describes the Guidelines prepared by the Forum, which explain how to operate and make decisions when applying Article 35.

## Guidelines for Article 35 under the Amended Copyright Act

The "Guidelines" are a summary of the operation of copyrighted works in the classroom at the Forum explained earlier. This material provides an easy-to-understand explanation based on the Guidelines FY 2021, December 2020.\*1 It can be read in its entirety on the SARTRAS page.\*2 You can also download the PDF file. The Guidelines were first published in FY2020 and revised in FY2021. Discussions are still taking place in the Forum regarding the contents of this document, so it may be revised in the future. Be sure to always check for the latest version.

On this material, we simply call as the Guidelines. In addition, this material will be based on the 2021 version of the Guidelines. <sup>01</sup>

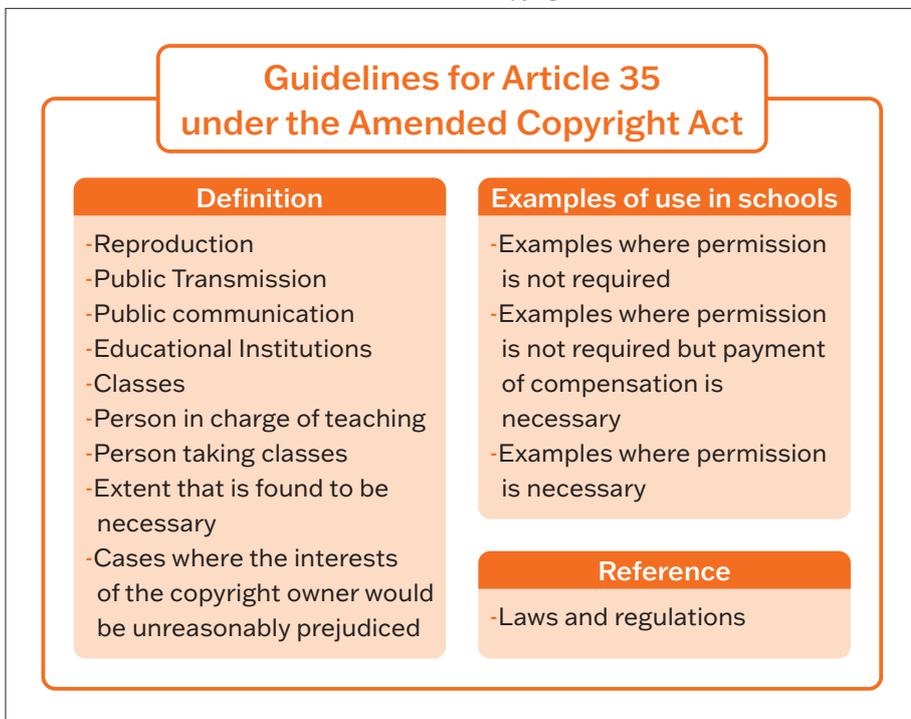
**MEMO \*1**

SARTRAS, Guidelines for Article 35 under the Amended Copyright Act: <https://sartras.or.jp/unyoshishin/>

**MEMO \*2**

Guidelines for Article 35 under the Amended Copyright Act, FY 2021 Ed., Special Activities Supplement, November 2021 is also available.

<sup>01</sup> Guidelines for Article 35 under the Amended Copyright Act



## Definition of Terms

As explained in Chapter 1, the Guidelines explain terminology based on specific scenarios when dealing with copyrighted works in the classroom.

### Reproduction (p. 5 of the Guidelines)

So-called photocopying, but making a PDF of a paper or taking a photograph of a paper document is also a "reproduction". The following examples fall under the category of reproduction.

---

#### Applicable Examples

- Literary works written on the blackboard.
- Writing literary works in notebooks.
- Typing the literature into a Word file on your computer or other device and saving it.
- Copying paintings on drawing paper.
- Replicating sculptures with paper clay.
- Copying works printed on paper with a photocopier.
- Scanned works printed on paper and saved as PDF files.
- Electronic files/work saved on a computer or USB memory stick.
- Storing works in electronic files on servers (including backups).
- Recording TV programs onto a hard disk.
- Capturing video data projected on a screen using a projector, etc., camera, smartphone, etc.

---

Reproductions made under Article 35(1) may be distributed in class (Article 47-7).

### Public transmission (pp. 5-6 of the Guidelines)

Transmission to "an unspecified person or a large number of specified persons (the public)" by broadcasting, cable broadcasting, Internet transmission, or other means, including making available for transmission through the Internet by storing on a web server (making transmittable). Transmission between a teacher and students in a class is a public transmission.

---

#### Applicable Examples

- Transmission of copyrighted works stored on servers located off-campus in response to access by students, pupils, etc.
  - Emailing work for a large number of students, pupils, etc.
  - Posting copyrighted materials on the school's website.
  - Telecasts.
  - Radio broadcasts.
-

## Non-Applicable Examples

- Transmissions to the same premises (except those accessible from outside the premises) made through broadcasting equipment located on the same premises of the school or through a server, as in the case of in-school broadcasts. \*1

 MEMO \*1

Article 2(1)(vii-2), brackets.



Konaka

I have a class of about 30 students.



Sumiki

P. 6 of the Guidelines says, "In general, transmission between a teacher and students in a class is considered to be a public transmission", so we should assume that Dr. Konaka's class is also public.

It is not clearly defined how many people are specifically referred to as "the public" in the Copyright Act.

According to the Guidelines, at least the standard number of people in an elementary school class would make it "public," but there is no specific standard for how many people fit the definition of "public". It is difficult to handle such a legally gray area, but it seems that the Forum has not yet reached a common agreement on the number of people.



Konaka

If you don't know, you should be careful anyway...



Sumiki

It is important to note that if the number of people is unidentifiable (unspecified), they are interpreted as "the public" even if the number of people is small. This is an area of disagreement even among the experts.



Daiin

There are only 5 people in my seminar.



Sumiki

Just because the number of people using a copyrighted work is small does not mean that it is not representative of "the public". If the number of people using a work changes from time to time, it is "unspecified" and can still constitute "the public".

For example, it is expected that the Forum will set a strict limit on the number of students in a seminar and that certain criteria such as less than 10 students will be set forth to exclude it from being considered a "public".

**Public communication (p. 9 of the Guidelines)**

A "public transmission," such as a broadcast or Internet distribution, is intended to be directly received by the public. A public transmission is when a work that has been publicly transmitted is further shown or heard by the public using a receiver.

**Applicable Examples**

- Receiving videos on the Internet related to class content during a class, and having students and pupils watch them on displays, etc. installed in the classroom.
- Websites related to class content are projected on a screen using a projector in the classroom for students and pupils to see.

**"Educational Institutions" to which Article 35 applies (p. 6 of the Guidelines).**

A non-profit educational institution that engages in educational activities on an organized and continuous basis, and is established under the applicable laws and regulations, is an educational institution to which Article 35 applies.

**Applicable Examples**

- Kindergartens, elementary schools, junior high schools, compulsory education schools, high schools, secondary education schools, special support schools, technical colleges, various schools, special training schools, universities, etc. (School Education Law).
- Educational institutions similar to universities such as the National Defense Academy, National Tax College, and local government agricultural colleges (laws and ordinances related to the establishment of each ministry, organizational ordinances, etc.).
- Educational institutions related to vocational training, etc. (e.g., Human Resources Development Promotion Act).
- Daycare centers, certified child daycare centers, and school-age childcare centers (Child Welfare Law, Law Concerning the Promotion of Comprehensive Provision of Education and Care for Pre-school Children).
- Community centers, museums, art galleries, libraries, youth centers, lifelong learning centers, and other similar social education facilities (Social Education Law, Museum Law, Library Law, etc.).
- Education Centers, Teacher Training Centers (Act on Organization and Administration of Local Educational Administration, etc.).
- Schools managed by a company establishing schools (Act on Special Zones for Structural Reform. Educational institutions established by a for-profit company, but classified as an educational institution under a special exception).

**Non-Applicable Examples**

- Educational facilities run by for-profit companies or private individuals.
- Preparatory schools and cram schools that are not accredited as special training schools or various types of schools.
- Culture centers.
- Training facilities run by companies, organizations, etc.

**"Classes" to which Article 35 applies (p. 7 of the Guidelines)**

The "classes" here are not classes in the general sense, but only "classes" to which Article 35 can apply. The Guidelines define it as "educational activities conducted by a person in charge of education under the responsibility of a school or other educational institution and its control, for learners. It does not include activities conducted by students on their own initiative or by teachers teaching each other.

**Applicable Examples**

- Lectures, practical training, exercises, seminars, etc.
  - Students' preparation and review are also included in the "teaching process".
  - Preliminary learning for flipped learning is also included in the "teaching process".
- Special Activities in Elementary and Secondary Education. \*1
  - Classroom and homeroom activities.
  - Extracurricular activities.
  - Student and Student Council Activities.
  - School events (entrance ceremonies, graduation ceremonies, commencement ceremonies, closing ceremonies, school trips, field days, swimming competitions, cultural festivals, chorus festivals, etc.).
- Elementary and secondary education club activities, extracurricular supplementary classes, etc.
- Educational activities for teachers conducted by the Education Center and Teacher Training Centers.
- Teachers' license renewal training.
- Correspondence classes through distance learning (e.g., paper or LMS-based correction guidance and examinations), face-to-face classes, internet-based media classes (online delivery classes using Zoom, etc.), etc.
- Public lectures sponsored by schools, universities, and other educational institutions. \*2
- Certificate programs for working adults and others outside the university.
- Courses, lectures, etc. sponsored by social education facilities.

 **MEMO \*1**

"Special Activities" as defined in the Courses of Study.

 **MEMO \*2**

Projects to be undertaken by the company as its own business. Separate consideration is required for projects of a considerable scale in light of income and expenditure budgets.

### Non-applicable examples

- School information sessions for prospective students, mock classes at open campuses, etc.
- Faculty and Staff Meetings.
- Training, seminars, and information for faculty and staff conducted as FD/SD at universities.
- Extracurricular activities in higher education (club activities, etc.).
- Voluntary activities (for which no credit is granted).
- Parents' associations (at a school).
- Lectures sponsored by community associations, lectures for parents and children sponsored by the PTA, etc., held at schools and other educational institutions' facilities.

#### WORD

##### FD (Faculty Development)

Organizational efforts (e.g., training) by faculty members to improve and enhance course content and methods.

#### WORD

##### SD (Staff Development)

Organizational efforts (training, etc.) to improve the qualifications of staff members, including administrative management and education/research support.



Daiin

Are primary and secondary club activities "classes" and college club activities not "classes"?



Sumiki

Club activities in elementary schools are defined as educational activities called "special activities" in the Courses of Study. Club activities in junior high and high schools are voluntary activities of students, but they are equivalent to special activities, such as those conducted under the guidance of the teacher in charge.

On the other hand, this is not the case for universities, which means that they do not fall under the definition of "classes. "

## **"Person in charge of teaching" and "person taking classes" (p. 8 of the Guidelines)**

Next, we will explain the "person in charge of teaching" and the "person taking classes" in Article 35. These are defined as follows.

---

### **Person in charge of teaching = the person who teaches the class**

- Teachers, professors, lecturers, etc., regardless of name, having teaching licenses, or employment status such as full-time or part-time.
  - When educational supporters and assistants such as administrative staff and Teaching Assistants (TAs), under the direction of teachers and instructors, reproduce or publicly transmit the materials by using school facilities or other means under the control of the school, it is an act of the teachers and instructors.
- 

### **Persons taking classes = persons who learn under the guidance of a teacher or other instructor**

- Children, students, pupils, non-degree students, pupils, etc., regardless of name or age.
  - If, at the request of a student or pupil, an educational supporter or assistant, such as an administrative staff member or TA, duplicates or publicly transmits the work in a manner that is within the control of the school, such as by using school facilities, the act is an act of the student or pupil.
- 

### **The extent that is found to be necessary (p. 8 of the Guidelines)**

The faculty member in charge of the class will determine whether the reproduction is "the extent that is found to be necessary" for the classes. The teacher must be able to objectively explain why reproduction, public transmission, or public communication is necessary.

No standard can always be used to determine whether a book is within "the extent that is found to be necessary," for example, how many pages it can be. It depends on the content of the class and the way it is conducted and should be determined according to the actual conditions of each class.

**When the extent is found to be necessary:**

- Public transmission to within one class. Any number of class members.
- Distributing copies of class materials to parents visiting classes and teachers participating in research classes. \*1

**When the extent is found not to be necessary:**

- Public transmission in a form that can be accessed by anyone.
- Distributing video files to the entire class when the instructor only needs to project a TV program related to the class content on a screen.
- Use of teaching materials with other faculty members.
- Copying the entire book and transmitting it publicly to students, even though only a portion of the book is used in class.

**POINT**

Understand the definitions in the Guidelines to determine if Article 35 can apply.

**Cases in which the interests of the copyright owner would be unreasonably prejudiced (pp. 9-19 of the Guidelines)**

The end of Article 35(1) says, however, this shall not apply" if the action would unreasonably prejudice the interests of the copyright owner in light of the nature and purpose of the work, the number of copies that would be made, and the circumstances of its reproduction, public transmission, or communication". This proviso should be taken into consideration.

**Konaka**

When does "unreasonably prejudice the interests of the copyright owner" take place?

**Sumiki**

Just by reading the article, it's not clear to what extent it would be unduly harmful.  
P. 11 of the Guidelines states that an important aspect is "whether or not the reproduction or public transmission will decrease the sales of commercial products or hinder the potential future sales channels of copyrighted works".

For example, if all the math drills used by elementary school students were copied and distributed to everyone in the class, there would be no need to buy the drills. This kind of action unreasonably prejudices the interests of the copyright owner.

However, it is difficult to determine, as it depends on the situation and the state of use. This area is also discussed in the Forum and will be explained.

**MEMO \*1**

P. 12 of the Guidelines.

The term "unreasonably prejudice the interests" as used in the proviso means "unreasonably reducing" sales. Even if the use is to "the extent that is found to be necessary", if the copyright owner can objectively explain that the use "unreasonably prejudices the interests of the copyright owner," such use is unauthorized and not allowed.

If works are reproduced or publicly transmitted without permission for teaching, it will have some impact on the sales of commercial products. This is why the system of paying compensation was established. Therefore, it is thought that a little use can be covered by compensation. The wording to "unreasonably prejudice the interests of a copyright owner" is indicative of a considerable amount of usage.

The Guidelines provide the concept and examples of what constitutes to "unreasonably prejudice the interests of the copyright owner".

### Types of works

Reproduction and public transmission of copyrighted works, such as drills and software, which should be purchased separately by each student/pupil, unfairly diminish sales and unreasonably prejudice the interests of the copyright owners.

In the case of short verbal works (haiku, tanka, poetry, etc.), pictorial and photographic works, the use of the entire work is essential, and partial use may constitute an infringement of the integrity right. For such types of works, reproduction or public transmission of the entirety of a work is unlikely to unreasonably prejudice the interests of the copyright owner, etc.

On the other hand, the reproduction and public transmission of an entire feature film or novel are likely to cause unreasonable prejudice to the interests of the copyright owner. If a work is quite difficult to obtain, and permission for its use cannot be obtained through reasonable means, it may be possible to reproduce the entire work, and it is considered necessary to make a judgment on a case-by-case basis.

When reading a thesis in a college class or seminar, you will generally read the entire report. On the other hand, because the articles are specialized, their target readers are limited, so when reproducing or publicly transmitting them in class, it is necessary to carefully consider whether the interests of the copyright owner will be unreasonably prejudiced (Chapter 3, Q14, Q15).\*1

### Uses of Copyrighted Works

In the case of works sold to students and pupils, the application of Article 35's limitation of rights may have a direct impact on sales. Therefore, the possibility of unreasonably prejudicing the interests of copyright owners is likely to be higher than in the case of other uses of copyrighted works.

If the work is designed as a textbook for students and pupils, it is unlikely that the reproduction of a large portion of the work will unreasonably prejudice the interests of the copyright owner if it is in the designated textbook and everyone has it.

#### MEMO \*1

If the article you need is available for free in a university-contracted e-journal, author's website, or institutional repository, provide the link to the student. Providing the link does not constitute reproduction or public transmission, so it is not a problem.

### Number of copies and number of recipients of public transmission

P. 18 of the Guidelines states that reproduction and public transmission up to the number of students in the class in question, regardless of the number of students, will not unreasonably prejudice the interests of the copyright owner.

In addition, when the same materials are sent to students for parent visits or faculty visits in research classes, the number of students plus the number of visitors is "the extent that is found to be necessary". In this case, this would not unreasonably prejudice the interests of the copyright owner.

Showing a recording of a movie or TV program in the classroom can be done without permission as a non-profit, free-of-charge showing (Article 38(1)). However, making a copy of the movie and distributing it to a certain number of students or making it available for viewing on demand at any time is likely to unreasonably prejudice the interests of the copyright owner.\*2

### Manner of reproduction, public transmission, and public communication

The term "manner" is unfamiliar, but it means so much more than the manner of reproduction or public transmission.

Making copies of a work in a form that allows the work to be bound and preserved for a long period, or making copies of images or sounds as files of such high quality that they can be viewed independently, or in any other way that allows the copies to be used for other purposes on their own, is likely to unreasonably prejudice the copyright owner's interests.

In the case of public transmissions, those who can receive the information should be limited to those who teach the class and those who receive the information. For example, even if the transmission of information to the world by students is a necessary activity for classes, the inclusion of copyrighted works covered by Article 35 in such activities is likely to unreasonably prejudice the interests of copyright owners.\*3

The basic concept is above. Examples are summarized below.

### Examples where reproducing the whole thing is unlikely to unreasonably prejudice the interests of copyright owners.

- Use of copyrighted works in adopted textbooks.
  - Includes individual works (written works, photographs, illustrations, etc.) as well as works by the publishers who published them.
  - Digital textbooks for learners used as a replacement for adopted textbooks are also allowed for use within the contract.
- If it is difficult to use only a part of the material, or if the right of identity preservation would be infringed by cutting out a part of the material.
  - Haiku, tanka, poetry, and other short works of language.
  - Articles and other verbal works published in newspapers.
  - Photographs, paintings (including illustrations, prints, etc.).
  - Sculptures and other three-dimensional works of art.

#### MEMO \*2

As for making available for later viewing not the video file itself but a recording of the class scene in which it is being viewed, there is no substitute for viewing the video file, so it is unlikely to unreasonably prejudice the copyright owner's interests.

#### MEMO \*3

Of course, if the "citation" in Article 32 can apply, there is no problem.

- Articles in magazines and other publications that have been out of circulation for a considerable period and are no longer readily available.
  - Reproduction of a portion of the material (all figures and graphs, etc.) that the student/pupil has purchased and projected on a screen for display.
  - Copyrighted works used as part of images in videos of classroom scenes and commentary.
- 
- 

**Examples that are likely to unreasonably prejudice the interests of copyright owners.**

- Handing out copies of all the books in one class, such as "Chapter 1 in the first class, Chapter 2 in the second class...".
  - Providing copyrighted works that students would normally purchase and use in a form that does not require them to purchase them.
    - Drills, reference books, test books, music scores for teaching materials, supplementary reading books, educational video software, scripts for plays, music scores for club activities, etc.
  - Purchasing only one program or one license of a program or application, and duplicating and distributing it to multiple students or pupils.
  - Collecting art, photographs, etc., and distributing high quality, bound copies.
  - Systematically storing copyrighted works as materials on servers, creating databases and libraries, without knowing whether or not they will be handled in class.
  - Although not directly covered in class, copies should be distributed as reference materials.
- 

**POINT**

Do not unreasonably prejudice the interests of copyright owners!



Konaka

In short, Article 35 stipulates that "published works" may be used by teachers and students "in the course of classes" at the appropriate "educational institution" to the "the extent that is deemed to be necessary" for the classes. As long as the amount and usage do not unreasonably prejudice the interests of copyright owners, you don't have to get permission from the copyright owner.\*1



Daiin

Teachers and students can reproduce, publicly communicate and pay compensation for public transmissions.



Sumiki

In addition, when they use copyrighted work under Article 35(1), the source of the copyrighted work must be indicated if a common practice exists (Article 48(1)(iii)). Whether or not there is a common practice depends on the type of copyrighted work and the method of use.\*2

**MEMO \*1**

Article 35 can also apply to neighboring rights (Article 102(1)). Thus, you can use copyrighted works that have been performed, recorded, broadcast, or broadcast by cable.

**MEMO \*2**

In educational situations, the source of the information must be indicated to measure its reliability. Therefore, for example, it is a common practice for users to indicate the source of the information when they reproduce diagrams and tables of others in slide materials.



SECTION

01

# Q&A on the Use of Copyrighted Works in the Classroom

This chapter provides Q&A for specific cases on dealing with third-party copyrighted works in the classroom.

E

Elementary, middle: for elementary school, junior high schools, and high schools

H

High: for universities, higher professional schools, etc.

Q1

Can I introduce a newspaper article about my school on our website?

E

H



Konaka

My school's activity was featured in the local newspaper and I would like to introduce it. Can I make a PDF of the full article and post it on my school's website?



Sumiki

In such a case, your activities include "reproduction" and "public transmission" and require the permission of the newspaper as the copyright owner. If the article is available on the newspaper's website, it is no problem for you to put a link to the article on your school's website.

Q2

Can teachers involved in the creation of jointly produced teaching materials use them?

E

H



Daiin

I've created one material with several class teachers, but some of it is mixed with third-party copyrighted material. Can a teacher use the material in each of the classes by the teachers who participated in the creation? Do they need permission from a third party?



Sumiki

Even if a third party's copyrighted work is partially included, the teacher can use it as long as the requirements for citation are met, so permission from the third party is not required. Also, since everyone is working together to create one teaching material, it is likely to be a joint work, but of course, it will be agreed that each teacher will use it in their class, so there is no problem in reproducing it in each class or making a public transmission in an online class.\*1

Q3

Can I reproduce copyrighted material and provide it to other teachers?

E

H



Konaka

Can I make a copy of my book and give it to another teacher who teaches a different class?



Sumiki

Article 35(1) cannot apply unless the teacher, etc. in charge of the class takes the initiative to reproduce the material. Since Dr. Konaka is not in charge of that other class, they need the permission of the copyright owner.



Daiin

Then, Dr. Konaka could lend the book to the teacher free of charge, and the teacher who borrowed the book could make a copy.



Sumiki

That would be fine.\*2



MEMO \*1

Article 65(2)



MEMO \*2

Article 38(4)

## Q4

I would like to present essays and reports of graduating students to the class.

E

H



Konaka

I would like to use an excellent essay of a graduating student in my Japanese class this year.



Daiin

I, too, would like to show the excellent reports of the students in last year's class and hand them out to this year's class.



Sumiki

Since Article 35 applies only to published copyrighted works, the permission of the copyright owner (author) is required in both cases.\*1 You will also need to consider the publication right (Article 18(1)) and the attribution right (Article 19(1)).

## Q5

Can I introduce illegal copyrighted materials in class?

H



Daiin

I want to show illegal examples in the class. Like, they're manipulating images of celebrities and uploading them on social media. How can I handle copyrights for illegal stuff?



Sumiki

The copyright belongs to the person who took the original photo, and there are issues of privacy rights and publicity rights for celebrities, but as long as the teacher explains how the image is illegal and the requirements of the citation, including the master-subject relationship, are met, the image can be used as the citation.\*2



### MEMO \*1

In the case of minors under 18 years of age, the permission of a parent or guardian is required (Civil Code Articles 4 and 5(1), main text).



### MEMO \*2

There is no requirement that the citation must be taken from a legitimate source. See Tatsuhiro Ueno, *Copyright Guide for Educators and Researchers*, Yuhikaku, 2021, p.180.

## Q6 Can I show you a film in class?

E

H



Konaka

I have a Netflix subscription, and I would like to show a documentary film on animals to students in my class.



Sumiki

If Dr. Konaka uses a projector to project onto a screen, it would be a "public communication" and Article 35 could apply. I would say, however, if you read Netflix's Terms of Use (4.2), you will find that "The Netflix service and any content accessed through the service are for your personal and non-commercial use only and may not be shared with individuals beyond your household unless otherwise allowed by your subscription plan... You agree not to use the service for public performances".\*3

Thus, although there are provisions in the law limiting copyrights, attempts to limit them by contract are called "overriding", and even experts have different opinions on whether contractual limitations should be valid.

The Forum is currently discussing this issue, and I must say that it is a difficult issue right now due to the risk of violating the Terms of Use.

However, the rules of Netflix also state that some educational original documentaries may be shown only once for educational purposes. Be sure to check the latest Terms of Use.



### MEMO \*3

Netflix, Terms of Use:  
<https://help.netflix.com/en/legal/termsofuse>

Educational screenings of documentaries:  
<https://help.netflix.com/en/node/57695>

## Q7 Can I post videos of my reading of a story to others on the Internet?

E



Konaka

I'm talking about a story for children. Can I upload a video of my reading of a story to a web server so that students can watch it from home at any time?



Sumiki

That would be the "reproduction" and "public transmission" of the entire story. Therefore, Article 35 cannot apply because it would unreasonably prejudice the interests of the copyright owner.

# Q8

## Is there a problem if I arrange a piece of music in a way that makes it easier to practice?

E



Konaka

Since it is difficult to play an original popular anime song, can the music teacher simply arrange it so that elementary school students can play it as an ensemble with recorders and practice it in class?



Sumiki

This can be done without permission, as Article 47-6(1)(i) states that translation, musical arrangement, reformation, or adaptation is allowed when Article 35(1) is applicable.



Konaka

Can I play the arranged song at the school concert?



Sumiki

You may think that the limitation of rights in Article 38(1) can apply to school concerts because they are non-profit, free-of-charge performances. However, Article 38(1) applies to the use of copyrighted works as they are, and does not apply to musical arrangements (Article 27) (see Article 47-6(1)). Therefore, the permission of the copyright owner is required.\*1

# Q9

## I would like to play recorded TV programs during lunchtime.

E



Konaka

I would like to play my recorded educational program on the classroom TV during lunchtime.



Sumiki

School lunch is a "special activity" as stipulated in the Courses of Study, and therefore constitutes a "class". Recording for teaching is "reproduction" and Article 35(1) can apply. Broadcasting on television is a non-profit, free-of-charge showing, and Article 38(1) can apply.\*2



MEMO \*1

For example, it is possible that a very simple change in instrumentation does not add new creativity and does not constitute a "musical arrangement" under the Copyright Act. In such a case, there may be room for interpretation that if the requirements of Article 38(1) are met, the copyrighted work can be performed publicly and does not constitute an infringement of the integrity right.



MEMO \*2

See Tatsuhiro Ueno, *Copyright Guide for Educators and Researchers*, Yuhikaku, 2021, p.118.

# Q10

## What should I care about when dealing with foreign copyrighted work in the classroom?

E

H



Daiin

An English teacher wants students to translate foreign novels. How can I help them with foreign copyrighted work?



Sumiki

As for foreign copyrighted works, Japan is a signatory to treaties such as the Berne Convention, the Universal Copyright Convention, and the TRIPS Agreement, and is obligated to protect copyrighted works from most countries in the world.\*3



Daiin

I don't know about foreign laws!



Sumiki

No problem. The Japanese Copyright Act applies when handling foreign copyrighted works in Japan. A teacher's copying of a novel for distribution to students to the extent necessary for translation is a "reproduction" and "translation" under the Copyright Act. If a teacher makes copies to the extent necessary, reproduction is OK because Article 35(1) applies, and translation by students in class is OK under Article 47-6(1)(i).



### MEMO \*3

Neighboring rights also have treaty protection obligations under various treaties.

## Q11 What should students care about when conducting a Bibliobattle?

H



Daiin

Students want to hold a Bibliobattle at a school festival. Is there any problem with the Copyright Act?



Sumiki

A university festival is not a "class" according to the definition of "class" in the Guidelines, so Article 35 is not applicable. Introducing the contents in a few minutes may fall under adaptation (Article 27) \*1 for a summary and recitation (Article 24) for a presentation. Whether or not the summary is an "adaptation" is difficult to determine because it depends on the extent to which the content of the book is discussed in the presentation. If the essential expressive features of the copyrighted work cannot be directly perceived, the work is not an "adaptation" and permission from the copyright owner is not required. \*2 This is a case-by-case consideration.

### WORD

#### Bibliobattle

Participants are given 5 minutes to introduce what they think is an "interesting" book, and the participants vote on which book they would like to read the most. The Official Website of Bibliobattle: <https://en.bibliobattle.jp/>



### MEMO \*1

For the definition of "class", please see "Chapter 2, Section 04: Guidelines for Article 35 of the Amended Copyright Act, 'Class to Which Article 35 Applies'". (P.52)



### MEMO \*2

Supreme Court, June 28, 2001, Hanrei-Ji, No. 1754, p.144 (Esashioiwake Case)

## Q12 TA wants to distribute last year's exam questions to students.

H



Daiin

The TA wants to distribute the exam questions they took last year to everyone.



Sumiki

Does that mean that past exam questions from multiple classes will be distributed together?



Daiin

That's right.

### WORD

#### TA (Teaching Assistant)

A student who assists in a class.



Sumiki

That makes Article 35 inapplicable.

Students taking class A may reproduce only to the extent that it is deemed necessary for the study of class A. Furthermore, the teacher decides whether or not reproduction is necessary for the class, and if the teacher decides that the students must study the past questions, only the part related to class A can be reproduced. The TA is allowed to make a reproduction under the supervision of the school, for example, by using the school's equipment.

Or, if the TA shares one of the class sessions as an assistant, they will be a "person in charge of the class", but in this case, only the part of the class A session that they are in charge of can be reproduced.

I would need to get permission to distribute a compilation of past exam questions from classes A, B, C, and D.

**Q13**

**Is a student who has not registered for this class considered a "person taking classes"?**

H



Daiin

Universities have a registration period, and students who are not registered and are provisionally registered can take classes. A student can take the first of a total of eight classes and then not register for the main class. In that case, would that provisionally registered student be considered a "person taking classes" under Article 35?



Sumiki

The "class" in Article 35 is a class even if it is only one class, and if you have taken the class properly even once, you would be considered a person taking classes. However, if the class materials include a third party's copyrighted work, it would be better to avoid distributing all eight materials in the first class. It is easy to be judged as exceeding the scope of what is necessary, and it may also unreasonably prejudice the interests of the copyright owner.

# Q14

Is there a problem with photocopying my paper and distributing copies to students?

H



Daiin

My paper is very informative and I want to distribute it to my students for their reading. No problem, right?



Sumiki

If the copyright owner is Dr. Daiin, there is no problem. However, you may have assigned the copyright to an academic society or publisher. In that case, you should be careful. First, check the copyright regulations of the academic society or publisher. In many cases, it will be written for your use.



Daiin

It's mine.



Sumiki

Many academic journals have regulations such as "Copyright belongs to the Society from the time the final manuscript is submitted to the Society", in which case the authors of the paper do not have copyrights. Moral rights that cannot be transferred may also be stated, such as "The author shall not exercise moral rights".

You should check these regulations carefully when submitting your paper.

Even if it is difficult to do so under the regulations of society, Article 32 can apply as long as the requirements for citation are met, and if it is necessary in the course of teaching, Article 35 may apply if it is a part of a paper.

# Q15

Can I distribute a whole paper to students?

H



Daiin

I would like to have a class in which students read an English paper from beginning to end and present its contents. May I distribute one whole paper to the students?



Sumiki

While it is a basic premise that the entire paper is required to be read through, various aspects need to be considered when distributing a whole paper. According to the Guidelines, if the full text of a paper is necessary for a class, it is highly likely that reproduction or public transmission of the whole paper will not unreasonably prejudice the interests of the copyright owner if it is not necessarily reasonable for each student to purchase the paper itself or a collection of papers, considering the following factors:

- If the paper or collection of papers is readily available.
- If the paper has been published in a book of papers or other publication.
  - Number of papers in all publications.
  - The state of distribution of the publication and whether it is intended for the intended audience at the time of the original publication.
  - Whether the publication has been in existence for a reasonable period after publication.

## Q16 Can I still use the course materials after the enrollment period?



Daiin

My first-semester class is from April to the end of September, but once October comes, can't I put the course materials on the LMS course any longer?



Sumiki

Educational materials containing third-party copyrighted material can only be publicly transmitted on the LMS for the period of the class. The materials should be removed after the period or their settings should be changed so that students cannot access them.

It is difficult to determine when the class period begins and ends, but in the case of universities, it seems safe to assume that the class period lasts until the evaluation of grades and credits is completed.

In addition, in classes that are supposed to be taken in stages, such as "Exercise 1" and "Exercise 2", it would fall within "in the course of class" to allow students to view the material from Exercise 1 during the class period of Exercise 2 as well.\*1

This is because the Guidelines state that preparation and review are also "in the course of classes", and if there is a content relationship between Exercise 1 and Exercise 2, then the materials for Exercise 1 are equivalent to those for review.

In addition, as explained at the end of "Chapter 2, Section 04: Guidelines for Article 35 of the Amended Copyright Act", (P.57) the possibility of continued use of educational materials outside the period of a class is under consideration to be covered by the SARTRAS license.



### MEMO \*1

See Tatsuhiro Ueno, *Copyright Guide for Educators and Researchers*, Yuhikaku, 2021, p.55.

### WORD

#### SARTRAS License

As of November 2022, the SARTRAS licensing system is being considered to allow the use of copyrighted works that are not covered by Article 35 and compensation without permission.

This system would allow reproduction and public transmission beyond the scope of compensation by paying a license fee. The scope and form of use are still under consideration.

SECTION

01

# How to obtain permission for use

You need to obtain permission from the copyright owner when you cannot freely use the copyrighted work due to the protection period, or terms of use, or if rights limitations cannot be applied. This chapter explains how to obtain permission.

## Steps for obtaining permission

We showed you the flow chart in "Chapter 2, Section 01, Classes and Copyrighted Works". Let's review the contents again.

When it comes to "obtaining permission or giving up", you can either: (a) remove the third-party's copyrighted work or (b) find a replacement.

The following is an explanation when you select "Obtaining Permission".

### Step 1: Find out who the author/copyright owner is



Sumiki

We would like to ask you to record the source when using third-party works. If you use several sources in a single material, it is advisable to prepare a list of sources for each material.



Daiin

I don't do any of those things.



Sumiki

As long as the class is held in a classroom, Article 35 can apply and it is fine. However, if, for example, you decide to record a class by Dr. Daiin and distribute it on the university's website, Article 35 does not apply because it is available to anyone. There would be no problem if the citation could apply, but it may be difficult in some cases.



Konaka

If you have a list of sources, you can get permission based on the list.



**Sumiki**

That's right. On the contrary, without it, you have to start by finding out where the photo, illustration, or text comes from.



**Daiin**

That's really hard.



**Sumiki**

You need to clearly state the source when using citations, too. These days, you are likely to disseminate your educational activities outside of the university, so please be sure to record the source in case that happens. Also, if you reproduce a work from a website, please be careful to ensure that it is not a secondhand citation of the work.



**Daiin**

Secondhand citation?



**Sumiki**

In other words, the site you saw may have reproduced the image or other information from another site. In that case, you have to look at the original site to see who the author or copyright owner is and if there is any indication of the licensor.



**Konaka**

Oh, that seems likely. I have to be careful.

## Step 2: Find out if there is any contact information

Many copyright owners offer contact information for licenses.

First, check the CRIC, Copyright System in Japan page to see if there is any contact information. \*1

For example, music copyrights are often managed by a management society, JASRAC or NextTone, but sometimes they are not.

So, first, let's search JASRAC's database to see if there are any songs you want to use. \*2 If you can't find the music you are looking for through JASRAC, check NextTone's database. \*3

For example, a search of the Official Hige Dandism music in the database reveals that it is managed by NextTone rather than JASRAC. In this case, you need to apply to NextTone for permission.

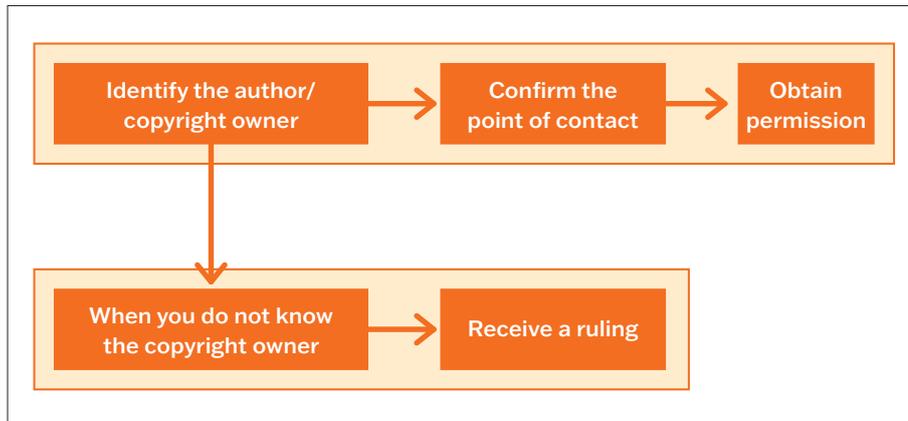
## Step 3: Make a permission request

If there is a point of contact, apply for a license through the point of contact. Many points of contact are web forms. Check the fees, as there may be fees involved; JASRAC and NextTone offer fee calculation simulations. \*4 \*5

If a calculation simulation is not available, read the Rental Fee Rules and Regulations or obtain an estimate.

If there is no point of contact, contact the author or copyright owner directly to obtain permission [Flow of Permission]. 01

### 01 Flow of licensing



To avoid any misunderstanding with the copyright owner, you should communicate in writing and on record. At a minimum, the following information should be included:

### MEMO \*1

Overview of the Copyright System:  
<https://www.bunka.go.jp/english/policy/copyright/system/>

CRIC, Copyright System in Japan  
<https://www.cric.or.jp/english/cs/csj7.html>

### MEMO \*2

J-WID, the database for JASRAC works:  
<https://www2.jasrac.or.jp/eJwid/>

### MEMO \*3

NextTone Work Search Database:  
<https://search.nex-tone.co.jp/>

### MEMO \*4

JASRAC, Royalty Calculation Simulation:  
<https://www.jasrac.or.jp/info/create/calculation/simulation.html>

### MEMO \*5

NextTone, Usage Fee Simulation:  
<https://sim.nex-tone.co.jp/>

- Works to be used.
- Users.
- Purpose of use (Specify).
- How to use (be specific)
  - e.g.: At a cultural festival with an audience of about 100 people, we do not charge an admission fee, but we pay a fee to the guest actors. We would like to use a script we created based on your novel.
- Term.
- Scope of use: is it all of the work or just a part of it?
- Compensation: if a fee is charged, the amount and method of payment.

For educational use, the fee may be low or free, so we recommend that you inquire anyway.

#### Step 4: If you do not know the copyright owner

Even if you have tried to find out who the copyright owner is you still might not be able to figure out who the actual copyright owner is.

The Copyright Act provides for the use of copyrighted works with a compulsory license by the Commissioner of the Agency for Cultural Affairs and payment of compensation (the compulsory license system if the copyright owner is unknown) (Article 67). \*1 The same adjudication system applies to cases if the owner of neighboring rights is unknown.

Copyrighted works whose copyright owners are unknown are called "orphan works." \*2 The Orphan Works Demonstration Project Executive Committee, consisting of rights owners' organizations, etc., has published a "Guide for Preparation of Application Forms for Ruling on Works of Unknown Copyright owners, etc." Please refer to this guide.

To apply, compensation is required in addition to the cost of advertising for the right owner's search (usually 8,250 yen) and the adjudication application fee (usually 6,900 yen). For the amount of compensation, please refer to the Agency for Cultural Affairs' simulation system for the amount of compensation for adjudication. \*3

Also, a new compulsory license system for the use of "unmanaged works" (Article 67-3 of the Copyright Act) has been introduced from fiscal year 2026. This license system permits only temporary use of copyrighted works for a period during which the intention of the copyright owner cannot be confirmed. Specifically, this system can apply to copyrighted works that have been made public but (i) lack any stated terms of use or contact information, or (ii) provide contact information but a user receives no response from the copyright owner for 14 days after the inquiry. \*4

#### MEMO \*1

Articles 67 and 103(1) of the Copyright Act

#### MEMO \*2

Orphan Works Demonstration Project Executive Committee: <https://jrcc.or.jp/orphanworks/about/committee/>

Guide for Preparation of Application Forms for Ruling on Works of Unknown Copyright owners, etc: [https://jrcc.or.jp/orphanworks/about/saitei\\_guide2021/](https://jrcc.or.jp/orphanworks/about/saitei_guide2021/)

#### MEMO \*3

Agency for Cultural Affairs, Simulation System for the Amount of Compensation in the Case of Unknown Copyright owner: <https://www.bunka.go.jp/saiteisimulation/>

#### MEMO \*4

Agency for Cultural Affairs, Regarding the Act Partially Amending the Copyright Act (2023 Amendment of the Copyright Act), [https://www.bunka.go.jp/english/policy/copyright/amendments\\_2023/](https://www.bunka.go.jp/english/policy/copyright/amendments_2023/)

## Resources for learning about copyright

For those who want to know more about copyright, here are some resources.

### For Teachers

- Tatsuhiro Ueno, *Copyright Guide for Educators and Researchers*, Yuhikaku, 2021.
- Hisayoshi Miyatake, Dai Otsuka, *Copyright Handbook: Teachers, Don't Copy Without Permission*, Tokyo Shoseki, 2021.
- Agency for Cultural Affairs, *How to Use 5 Minutes of Copyright Education*, a collection of case studies of scene-based instruction in schools.  
<https://pf.bunka.go.jp/chosaku/1tyosaku/kyouiku/sidoujireishu/index.html>
- Agency for Cultural Affairs Educational Activities and Copyright in Schools.  
[https://www.bunka.go.jp/seisaku/chosakuken/seidokaisetsu/pdf/92916001\\_01.pdf](https://www.bunka.go.jp/seisaku/chosakuken/seidokaisetsu/pdf/92916001_01.pdf)
- STEAM Contents, *Considering Copyright in the Digital Age - What Institution Supports a Rich Culture?*  
<https://steam-library-gov.note.jp/n/n10d9acf8d47d>  
DL page for supplementary materials  
<https://www.glocom.ac.jp/steam/2020.html>

### For Students

- Kaoru Okamoto, *Learning about Copyright for the first time for Elementary and Junior High School Students*, Revised Ed., Asahi Gakusei Shinbunsha, 2019.
- Kensaku Fukui, *Introduction to Copyright for 18-Year-Olds*, Chikuma Primer Shinsho, 2015.
- Satoshi Ikemura, *First Time Copyright Law*, Nikkei Bunko, 2018.
- STEAM Library, *Considering Copyright in the Digital Age - What Institution Supports a Rich Culture?*  
<https://steam-library-gov.note.jp/n/n10d9acf8d47d>

### Agency for Cultural Affairs Workshop Materials

- Copyright Text. and Seminar materials.  
Materials can be found at the bottom of the screen

under "Seminars, Symposiums, etc." for each fiscal year.

<https://www.bunka.go.jp/seisaku/chosakuken/seidokaisetsu/>

### Media and Creator Relations

- Hajime Ogushi, Takashi Kitamura, Masatoshi Someya, Kodai Kimura, Kaito Koga, Hiroki Saiki, and Ayaka Tsunoda, *The Bible for Solving Copyright Problems! A book on rights for Creators Revised edition*, Bone Digital, 2023.
- Taku Inoue, *Latest Copyright Introduction by SNS*, Seibundo-Shinkosha, 2022.

### (Japanese) Copyright Act

- Nobuhiro Nakayama, *Copyright Law*, 4th ed., Yuhikaku, 2023.
- Hisamichi Okamura, *Copyright Law*, 6th ed., Minjiho Kenkyukai, 2024.
- Ryo Shimanami, Tatsuhiro Ueno, and Hisayoshi Yokoyama, *Copyright Law in Japan*, 4th ed., Yuhikaku, 2024
- Moriyuki Kato, *Commentary on the Copyright Act*, 7th revised ed., CRIC, 2021.
- Kaoru Okamoto, *The Concept of Copyright*, Iwanami Shinsho, 2003.

### Copyright FAQ

- SARTRAS, FAQ on Compensation System (in Japanese)  
<https://sartras.or.jp/faqs/>
- Agency for Cultural Affairs, Copyright  
<https://www.bunka.go.jp/english/policy/copyright/>
- Agency for Cultural Affairs, Copyright Q&A (in Japanese)  
[http://saiteiseido.bunka.go.jp/chosakuken\\_qa/](http://saiteiseido.bunka.go.jp/chosakuken_qa/)
- Agency for Cultural Affairs, *How to use 5 minutes in Copyright Education* (in Japanese, for K12 teachers)  
<https://pf.bunka.go.jp/chosaku/1tyosaku/kyouiku/sidoujireishu/>
- CRIC, Copyright in Japan Q&A  
<https://www.cric.or.jp/english/qa/index.html>

## This Project

This material was designed primarily for teachers at educational institutions to explain what they need to know when dealing with third-party copyrighted works in the classroom.

On the other hand, it is necessary to tell students and pupils that "this is a class, so you can reproduce it", or "you must comply with the requirements for citation". Please explain the difference between class and private life, such as, "since this is a class, you may reproduce an animated character and create a work of art, but if you upload a picture of that work onto a social networking service, you will be violating a copyright".

In addition, please inform students that they are the authors of their writings, drawings, and photographs and that copyrights apply to them.

- Academic eXchange for Information Environment and Strategy (AXIES) will make video materials available free of charge as copyright education materials for students.
- A PDF file of this material will also be available free of charge.
- Please use this material under the CC license.

[https://axies.jp/report/copyright\\_education/](https://axies.jp/report/copyright_education/)



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