

Guidelines Concerning the Transmission, Etc. of Specified Electronic Mail

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1 Scope of Application Etc. (Article 2 item (ii) of the Act)

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.

(i) (Omitted)

(ii) The term “Specified Electronic Mail” means Electronic Mail, which a person who sends Electronic Mail (limited to an organization for profit and a person in cases where the person is engaged in business; hereinafter referred to as a “sender”), sends (limited to transmissions from telecommunications facilities located in Japan (referring to telecommunications facilities stipulated in Article 2 item (ii) of the Telecommunications Business Law); the same shall apply in the following Articles) or transmissions to telecommunications facilities located in Japan; the same shall apply in the following Articles) persons as a means of advertisement for their own sales activities or for others.

(iii)-(v) (Omitted)

① Scope of “Specified Electronic Mail”

1) Significance of “as a means of advertisement”

“Specified Electronic Mail” means “Electronic Mail” that a sender (an organization for profit and a person in cases where the person is engaged in business) sends “as a means of advertisement for their own sales activities or for others.”

When the contents of Electronic Mail serve to advertise information concerning services, products or other items provided as a business, such Electronic Mail clearly corresponds to Specified Electronic Mail.

Moreover, because the following types of Electronic Mail can be considered as being sent “as a means” to advertise, they also correspond to Specified Electronic Mail.

- a) Electronic Mail that is sent for purposes that include inducing the recipient to a website to advertise information concerning services, products or other items provided as a business
- b) Electronic Mail to draw the recipient to a website for sales purposes via an invitation or prize contest notification through a social network service(SNS), a friend’s Electronic Mail or a contact from another member of a members only

site

On the other hand, the following types of Electronic Mail can be considered as not having been sent “as a means” to advertise, and therefore they do not correspond to Specified Electronic Mail.

- a) Electronic Mail that is notification pertaining to a transaction relationship, such as a business communication explaining the terms and conditions of a transaction or a rate billing notice, that does not include advertising contents, and that also does not induce the recipient to an advertising website
- b) Electronic Mail that is a simple seasonal greeting that does not include advertising contents and that also does not induce the recipient to an advertising website

2) Electronic Mail related to political activity, non-profit activity, etc.

Because “Specified Electronic Mail” is defined as “Electronic Mail” that a sender that is “an organization for profit and a person in cases where the person is engaged in business” sends “as a means of advertisement for their own sales activities or for others,” Electronic Mail sent by nonprofit entities such as political organizations, religious organizations, incorporated nonprofit organizations and labor unions does not correspond to Specified Electronic Mail.

② Positioning of a “sender” and a “consignor of transmission”

A “sender” is “a person who sends Electronic Mail” and is understood to be a person (including groups) that is the operational entity that sends Electronic Mail as telecommunications. A “consignor of transmission” is “a person who consigned transmission of Electronic Mail,” and is understood to be a person that has given certain instructions concerning the destination and transmission items pertaining to the transmission of Electronic Mail.

Therefore a person who has only requested an advertisement, for example, or a mail distribution service business or distribution ASP (Application Service Provider) business that does not personally perform the operation to send Electronic Mail and merely provides the system for Electronic Mail transmission to another person, does not correspond to a sender or a consignor of transmission.

2 Consent under the Opt-in Regulation (Article

3 paragraph (1) item (i) and paragraph 2 of the Act)

① Acquisition of “consent”

(Limitations on the Transmission of Specified Electronic Mail)

Article 3 A sender shall not transmit Specified Electronic Mail to persons other than the following persons.

(i) A person who has notified the sender or consignor of transmission (referring to a person who consigned transmission of Electronic Mail (limited to an organization for profit and a person in cases where the person is engaged in business); hereinafter the same shall apply) of the request or the consent to send Specified Electronic Mail prior to the transmission thereof

(ii) – (iv) (Omitted)

(2) – (3) (Omitted)

1) Principle

Because “consent” is understood to mean “another person has indicated the intent to agree to engage in some act,” consent is considered to have been obtained when (1) the recipient of a transmission has recognized that advertising mail will be sent and (2) has indicated the intent to agree to that transmission.

Specifically, judging whether proper “consent” has been obtained must be performed from the following viewpoints.

- a) An explanation or other details has been provided in a format that would enable a normal person to recognize that advertising mail will be sent
- b) The recipient can be said to have given an expression of intent to agree

What is required regarding the scope of consent is the “sending” of Specified Electronic Mail; specifying and obtaining consent regarding the type of e-mail to be sent or its contents is not required as an obligation under the law.

Moreover, because “a person who has notified the sender or the consignor of transmission of the consent to send Specified Electronic Mail” is specified as the recipient recognizing that Specified Electronic Mail will be sent, the sender or the

consignor of transmission that becomes the other party of the notification must be identified to the person giving notification of consent, and the name or other designation of that other party must be provided in a manner, in which it can be recognized, using a format that can be recognized by a normal person.

2) Matters that must be disclosed when obtaining consent and method of labeling

For the specific method for disclosing that advertising Electronic Mail will be sent and identify who is the person sending the Electronic Mail, using a format that can be recognized by a normal person, various alternatives can be considered and are not limited to a uniform method.

However, for example, even if there is information displayed at the time a recipient registers Electronic Mail address informing the recipient of the name of the party with whom the recipient is consenting to general conditions or terms of service and that Specified Electronic Mail will be sent, if this information is displayed in an extremely small font or a font color that is difficult to see, or if the general conditions or terms of service can only be seen by scrolling very far down the website, or if the information is shown in a place where a recipient will not notice unless carefully looking for it, or if a normal recipient would likely not notice, then the information has not been regarded displayed so that the recipient can recognize it. In addition, in some cases a recipient will see a message while registering Electronic Mail address at a website that says, "You will be sent Electronic Mail with advertising from related sites." However, merely writing "related site" or "sister site" does not allow the recipient to know who exactly the sender or contractor is, so this is not properly gained consent. (See Sample Screen 1.)

On the other hand, for Electronic Mail for which it can be assumed that advertising will be inserted in the same manner as magazines and newspapers that carry advertising, such as a business e-mail magazine, for example, if the fact such transmissions will be sent has been represented when the consent is obtained, it cannot necessarily be said that consent has not been obtained, even though the fact that advertising is incidentally included is not disclosed in the Electronic Mail in question.

In addition, it is preferable that a website that informs the user of their consent and the title, etc. of the Electronic Mail with advertising to be sent at the final

confirmation screen in order to prevent the user from not noticing that Electronic Mail with advertising will be sent and accidentally consenting to having such Electronic Mail sent. (See Sample Screen 2.)

Moreover, when the burden for the recipient can be expected to become substantial because of the frequency with which advertising mail is sent or the large volume of content, for example, disclosure of such details to the recipient when obtaining consent is recommended.

3) Consent obtained through a third party

In some instances a sender or consignor of transmission might, after obtaining consent from the user through an advertising media entity, platform company, event promoter or other third party, send advertising Electronic Mail under the name of the sender or consignor of transmission.

In such cases, when consent is obtained through a third party and the third party in question has not represented to the recipient the fact that advertising Electronic Mail will be sent from other specified senders or consignors of transmission, or when such representation has been made but has not been labeled in a way that can be recognized by a normal user, such representations do not correspond to the notification of consent prescribed by the Act for the sender or the consignor of transmission.

Moreover, in some cases when obtaining consent through a third party the consent notification will be sent simultaneously to multiple senders or consignors of transmission, but in these situations such representations do not correspond to the notification of consent prescribed by the Act for the sender or the consignor of transmission if the representation has not been made in a manner that enables the recipient to clearly recognize those senders and consignors of transmission.

Furthermore, in cases where notifications of consent will be sent by multiple senders or other parties simultaneously, it is recommended the notifications of consent be made within a scope that users can recognize accurately, because it becomes difficult for users to recognize individual senders or consignors of transmission when notifications of consent are made by a large number of parties at once.

4) Approach for mergers, business successions, etc.

When there has been a change in the name of a sender or consignor of transmission, the identity of the sender or consignor of transmission is maintained, and the consents and refusals to receive Electronic Mail based on a notification of opt-out that were received prior to the change continue to be effective.

Even in cases where there has been a merger, business succession or other event at a sender or consignor of transmission, this basically is considered to be similar to the situation where there has been a change in the name of a sender or consignor of transmission, and provided an entity succeeds to the rights and obligations concerning the sending of Specified Electronic Mail, the effectiveness of the consents and refusals to receive Electronic Mail based on a notification of opt-out that were received prior to the merger, business succession or other event is understood to continue.

Because it might not be possible for a recipient to understand whether it approves of the other party to the notification of consent when a name is changed during a period when the recipient is unaware of the fact, however, in such instances it is necessary to make the recipient side aware of the fact, by notifying all of the recipients that there has been a name change or a merger, business succession or other event. Methods that can be considered for notification of these facts are independently providing notice separately after the name change or merger, business succession or other event, and providing notice in the first Electronic Mail sent following the name change or merger, business succession or other event.

5) Recommendation of double opt-in

In situations such as when there is a strong need to prevent consent through so-called “identity theft” by which a notification of consent is sent using another person’s e-mail address without his or her permission, or when it is necessary to verify consent for an inquiry concerning whether there is consent from a recipient, implementing so-called “double opt-in” to determine consent for future Specified Electronic Mail by first sending a confirmation Electronic Mail without advertising content to the mail address that was notified, and having the true recipient perform an operation such as replying to the confirmation Electronic Mail, is recommended.

Note that the need to prevent identity theft does not change if the recipient sends the sender a notification such as one regarding a change of Electronic Mail address. The sender is recommended to confirm changes to recipient information such as Electronic Mail address changes by executing a "double opt-in."

Care must be exercised, however, because in some cases such as services that recipients want to use conveniently, such as Electronic Mail magazine subscriptions, completing the double opt-in can be a burden for recipients and implementing a double opt-in is not necessarily appropriate.

Note that from a perspective of preventing identity theft, an easier way to confirm consent than a double opt-in is to send Electronic Mail with no advertising or promotional content to the Electronic Mail address from which notification was received seeking a reply from the recipient to confirm their identity. Only if there is no reply from the recipient can the sender then also send Electronic Mail with advertising. If a sender does not use a double opt-in, then the sender should consider doing so.

6) Administration of Electronic Mail that is sent to obtain and confirm consent

Because Electronic Mail that is sent to obtain and confirm consent for the transmission of advertising mail, including cases of “double opt-in,” is mail sent ultimately for the purpose of sending advertising mail, such mail corresponds to Specified Electronic Mail that is transmitted as a means of advertising.

Consequently it must be noted carefully that other than for cases when consent has

been obtained beforehand, sending Electronic Mail to obtain and confirm consent is possible only when such Electronic Mail corresponds to situations such as “notification of e-mail address” or “disclosure of e-mail address” as an exception to the opt-in regulation.

7) “Default on” and “default off” (“default off” recommended)

In situations such as when using a website form to obtain consent, the two methods utilized are “default on,” in which a checkmark to indicate consent is entered in a check box beforehand, for example, and consent is given when there is no action by the user, and “default off,” in which a checkmark is not entered and consent is not given when there is no action by the user.(See Sample Screen 3.)

If based on the way of thinking that the presence or absence of consent should be judged based on (1) whether there was recognition by the recipient and (2) whether there was indication of intent to agree, the presence of consent can be considered to be decided not indiscriminately by only default on or default off, but is determined based on whether the methodology of representation to the user when obtaining consent resulted in the user being able to recognize the fact Electronic Mail will be transmitted based on the consent, and whether it can be said the user’s indication of intent to agree was indicated.

Compared with default on, however, it is certain the intention of the recipient is displayed more clearly by the default off alternative, and while it also depends on factors such as the contents of the service, obtaining consent by means of default off is the recommended alternative when possible to implement.

8) Administration when a single e-mail address has multiple users

If obtaining consent using a "default on" method, then the sender is recommended to, for example if there are pre-checked checkboxes, to show clearly displayed information telling the user about them and how to uncheck them in order to make the user clearly aware of this. If there are multiple checkboxes, then the sender is recommended to install a feature allowing the user to uncheck all checkboxes at once. (See Sample Screen 4.)

Furthermore, checkboxes should be placed where users can normally be expected to see them. If placed otherwise and the user unknowingly notifies the sender of consent by leaving the checkboxes checked, then the validity of the user's intent to grant consent is placed in doubt.

For example, if there is a long list of items or such that the user is not required to input or view and checkboxes are placed below so that the user cannot see, then the user will not easily know that the checkboxes are checked. (See Sample Screen 5.)

In this sort of case, the sender should place information in an easily discernible location on the user's screen stating, in an easily readable font size and color, that there are checkboxes at the bottom of the screen for consenting to have Electronic Mail with advertising sent. (See Sample Screen 6.)

Furthermore, while there have been cases observed in which a screen with a "default on" design seeking consent will, regardless of whether the user unchecks the boxes and proceeds to the next screen, will replace the checks if the user clicks the browser's "Back" button or otherwise returns to the screen. This is not preferable in terms of appropriately obtaining consent. In such a case, the user will finish the procedures without realizing that the checkboxes for consent to the sending of Electronic Mail with advertising have been re-checked. Even if a notification of consent is formally sent, the user did not display intent to do so. This cannot be said to be an effective display of intent.

Especially in the event that when a user returns to a previous screen and items other than the checkboxes, such as selected products the user wants to buy, are left the same as they had been prior according to the user's commands, then we cannot expect the typical user to notice that the checkboxes have been re-checked. (See Sample Screen 7.)

9) Handling multiple users at a single Electronic Mail address

In the event that multiple people are using a single Electronic Mail address, it is not general practice to verify whether multiple users are using the Electronic Mail address when sending Electronic Mail. Because in many cases a single Electronic Mail address is treated as having only one user, the sending of Electronic Mail is possible, unless the circumstances are exceptional, with a notification of consent from only one of the users.

②Records evidencing consent

(Limitations on the Transmission of Specified Electronic Mail)

Article 3 A sender shall not transmit Specified Electronic Mail to persons other than the following persons.

- (i) A person who has notified the sender or consignor of transmission (referring to a person who consigned transmission of Electronic Mail (limited to an organization for profit and a person in cases where the person is engaged in business); hereinafter the same shall apply) of the request or the consent to send Specified Electronic Mail prior to the transmission thereof
- (ii) – (iv) (Omitted)
- (2) A person who has received the notification in paragraph (1) item (i) shall maintain a record to prove it had a request to transmit or consent to transmit Specified Electronic Mail as specified in the applicable MIC ordinance or Cabinet Office Ordinance.
- (3) (Omitted)

Ordinance for Enforcement

(Method for Maintaining Records Evidencing Consent etc.)

Article 4 The method for maintaining records to evidence a request to send or consent to send Specified Electronic Mail pursuant to the provisions of Article 3 paragraph (2) of the Act shall be one of the methods listed in the following items that enable the sender to present the record if necessary.

- (i) A record showing the time and method when said notification pertaining to the separate Electronic Mail address of the person who made the notification in Article 3 paragraph (1) item (i) of the Act (limited to the address used as the address when transmitting Specified Electronic Mail) was received, and other status when said notification was received.
- (ii) A record that enables identification of the Electronic Mail address that may be assumed to be the address when transmitting Specified Electronic Mail, and, depending on the classification in the following cases, a record of matters pertaining to notification of the request or the consent to send Specified Electronic Mail pursuant to the provisions of Article 3 paragraph (1) item (i) of the Act that are among the matters listed in the respective said classification
 - (a) When the notification in Article 3 paragraph (1) item (i) of the Act was

received by a person presenting or delivering a document (including when presenting the document by using a facsimile machine), the typical matters described in said document

(b) When the notification in Article 3 paragraph (1) item (i) of the Act was received by a person sending Specified Electronic Mail, the typical matters included in the text of said Specified Electronic Mail

(c) In addition to the case listed in (b), when the notification in Article 3 paragraph (1) item (i) of the act was received by a person sending a message using the Internet, the typical matters included in said transmission text

(2) Depending on the classification of cases listed in the following items, the retention period for the records in the preceding paragraph shall be the period specified respectively in those items.

(i) When a person does not send Specified Electronic Mail pertaining to said record (referred to below in this paragraph as “said transmission”), until the day the person was assumed to not send said transmission

(ii) When a person made said transmission, until the day when one month has elapsed calculating from the day said transmission was last sent. However, in cases when an order pursuant to the provisions of Article 7 of the Act was received, when the order corresponds to any of the classifications of cases listed below, depending on said classification, until the day specified respectively in said classifications

(a) When said transmit was sent during the period until the day when one year has elapsed calculating from the day the order pursuant to the provisions of Article 7 of the Act was received, the day until one year has elapsed calculating from the day said transmission was last sent during said period, or the day until one year has elapsed calculating from the day said transmission was last sent, whichever day is later

(b) When an order pursuant to the provisions of Article 7 of the Act was received during the period until the day when one month has elapsed calculating from the day said transmission was last sent, until the day when one year has elapsed calculating from the day said transmission was last sent

1) Basic approach

Under the opt-in regulation, the presence or absence of prior consent by the recipient becomes a vital decision criterion for determining whether transmission is lawful. Therefore to ensure regulations based on the opt-in system are effective,

Article 3 paragraph (2) of the Act establishes the obligation to “maintain records to prove consent.”

This obligation to maintain records is necessary for matters deemed to be required for execution of the Act. On the other hand, it is reasonable to assume such actions should be within a scope that can actually be implemented by the sender obligated to maintain the records, and that does not result in an excessive burden, and from this standpoint the specific contents to be maintained and the retention period will be prescribed by the applicable Ministry of Internal Affairs and Communications ordinances and Cabinet Office ordinances.

2) Contents to be maintained

The contents that should be maintained are the following.

- a) For individual e-mail addresses for which consent has been obtained, a record indicating circumstances such as the method at the time consent was obtained
- b) In addition to a record created in a manner that enables the e-mail address assumed to be the addressee of a Specified Electronic Mail to be distinguished, records corresponding to the following classifications
 - i) When consent was obtained by submission or delivery of a document: A record of the set form items described in said document
 - ii) When consent was obtained by the sending of Electronic Mail: The set form portion of the text of said Electronic Mail
 - iii) When consent was obtained by the transmitting of a message through a website: The set form portion of said message (The layout of the screen on said website that is shown when obtaining consent)

3) Time period to save

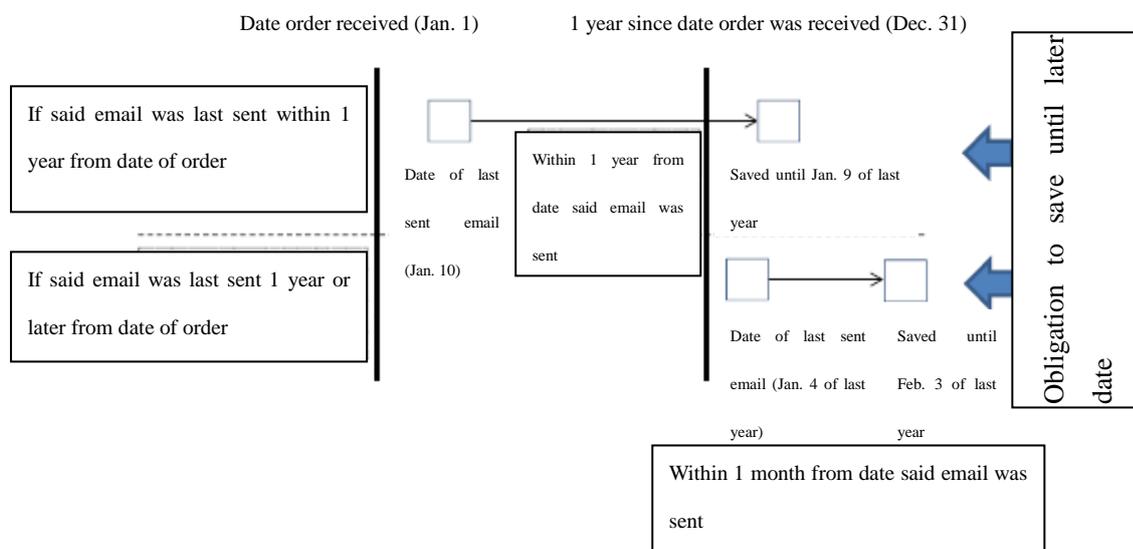
The time period to save records is one month after the date on which Specified Electronic Mail relating to said record is no longer sent.

However, if an order pursuant to Article 7 of the act is received, then the time period to save changes according to the date on which Electronic Mail was last sent for said record.

1. If said Electronic Mail was last sent 1 year or later from date of order
Must save until the later of the two dates below.

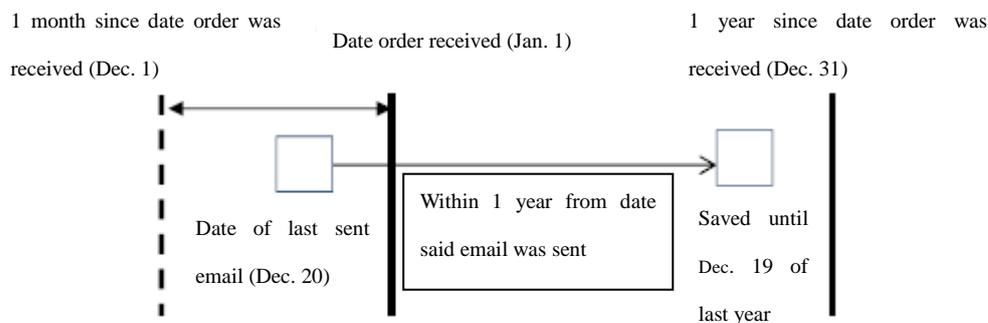
- (a) If said Electronic Mail was last sent within 1 year from date of order, then 1 year after said transmission was last sent.
- (b) If said Electronic Mail was last sent after 1 year from date of order, then 1 month after said transmission was last sent.

Time period to save if said Electronic Mail was last sent 1 year or later from date of order under Article 7 of the act



- 2. If said transmission before 1 month after an order is received or before the date an order was received, then records must be saved for 1 year after said transmission was last sent.

Time period to save if said Electronic Mail was last sent within 1 month prior to order received or later from date of order under Article 7 of the act



3. Even if the sender has received consent from the recipient, if the sender has never sent Electronic Mail with advertising, then save until the date until said transmission ceased to be sent.

Period to save even if the sender has received consent from the recipient and has never sent Electronic Mail with advertising

4) Other matters

In addition to the obligation imposed based on the Act, cases can be assumed, such as when problems concerning the acquisition of consent occur between the sender and recipient, in which the sender side will have to explain to the recipient side that the sender obtained proper consent. The necessity of this explanation concerning acquisition of consent is separate from the obligation under laws and regulations to maintain a record evidencing consent, and retaining the minimum records necessary on the sender side for such explanations, taking into consideration factors such as the probability of the occurrence of problems with the recipient side and the cost, is recommended.

3 Exceptions to the Opt-in Regulation (Article 3 paragraph (1) items (ii) through (iv) of the Act)

① Persons who have “notified an Electronic Mail address”

(Limitations on the Transmission of Specified Electronic Mail)

Article 3 A sender shall not transmit Specified Electronic Mail to persons other than the following persons.

(i) (Omitted)

(ii) A person who has notified the sender or consignor of transmission of his own Electronic Mail address as specified in the applicable MIC ordinance or Cabinet Office ordinance, other than the person described in the preceding item

(iii) – (iv) (Omitted)

(2) – (3) (Omitted)

Ordinance for Enforcement

(Method of Notification for Electronic Mail Addresses)

Article 2 The method of notification of one’s own Electronic Mail address to a sender or consignor of transmission pursuant to the provisions of Article 3 paragraph (1) item (ii) of the Act shall be a method of notification in writing. However, the method of notification when receiving Specified Electronic Mail listed in the following items shall be a discretionary method.

(i) Specified Electronic Mail corresponding to any of the items listed in Article 6

(ii) One Specified Electronic Mail sent for acceptance of the notification under Article 3 paragraph (1) item (i) of the Act

(2) Notwithstanding the provision of the preceding paragraph, when a Notification of Electronic Mail address to a sender or consignor of transmission based on the method of the same paragraph corresponds to a notification of a request not to send Specified Electronic Mail pursuant to the provisions of the text of Article 3 paragraph (3) of the Act (in cases where requesting said sender not to send Specified Electronic Mails pertaining to given matters, of the request), said notification shall not correspond to a notification of one’s own Electronic Mail address pursuant to the provisions of Article 3 paragraph (1) item (ii) of the Act.

1) Basic approach

Considering the fact there will be cases when the transmission of Specified Electronic Mail will be permitted even when there is not necessarily clear notification of consent, the possibility of sending Specified Electronic Mail addressed to such persons, even if they are persons other than the persons who have given notification of their consent, is prescribed in Article 3 paragraph (1) item (ii) through item (iv) of the Act.

Furthermore, “a person who has notified the sender or consignor of transmission of his own Electronic Mail address as specified in the applicable MIC ordinance or Cabinet Office Ordinance” is provided for by Article 3 paragraph (1) item (ii) of the Act.

2) Contents of notification

When giving notification of an Electronic Mail address, the matters that must be specified as the minimum conditions are one’s own Electronic Mail address as the subject of the notification, and the sender or consignor of transmission that will become the other party to the notification. In other words, in cases where notification with a label such as “on some occasions mail might be sent from a third party” is received, for example, the sender is not identified, and this is not understood to be notification of the Electronic Mail address.

3) Method of notification

In cases where notification of one’s own Electronic Mail address was given in writing such as business card, there is considered to be a certain predictability that Electronic Mail will be sent, from the person who received the notifications in writing, to persons who provided notification in writing. Therefore notification by written document is provided for in the text of Article 3 paragraph (1) of the Ordinance for Enforcement.

Moreover, because it is believed that compared with the necessity of transmission the level of obstacles to sending and receiving is negligible in the following cases, even if a notification of Electronic Mail address was by means other than in writing such as a website, the cases where transmission is permitted, including by methods other than in writing, are provided for in the proviso to Article 2 paragraph (1) of the

3 Exceptions to the Opt-in Regulation (Article 3 paragraph (1) items (ii) through (iv) of the Act)

Ordinance for Enforcement.

- a) When advertising is sent incidentally with Electronic Mail such as free-mail (item (i))
- b) When advertising is sent incidentally with Electronic Mail that is sent to notify a person who applied for or signed a contract of matters concerning the application, contents or execution of said contract (item (i))
- c) When Specified Electronic Mail is sent only after having sent Electronic Mail to obtain or confirm consent, and notification of consent was received from the recipient as a result (item (ii))

4) Exceptions

Because situations can be envisioned in which a recipient no longer wishes to receive Specified Electronic Mail, even in cases where opt-in consent was obtained beforehand from the recipient, recipients shall be able to opt-out under Article 3 paragraph 3 of the Act.

In some cases when a recipient selects opt-out, the notification requesting the sender not to send Specified Electronic Mails will comply formally with the requirement for notification of Electronic Mail address to become an exception to opt-in. Therefore under Article 2 paragraph (2) of the Ordinance for Enforcement, a notification to select opt-out shall specify it is not notification that the Electronic Mail address become an exception to opt-in.

② A Person who has a “business relationship”

<p>(Limitations on the Transmission of Specified Electronic Mail)</p> <p>Article 3 A sender shall not transmit Specified Electronic Mail to persons other than the following persons.</p> <p>(i) – (ii) (Omitted)</p> <p>(iii) A person who has a business relationship with a person engaged in sales activities relating to advertisement that use said Specified Electronic Mail as a means, other than the persons described in the preceding two items</p> <p>(iv) (Omitted)</p> <p>(2) – (3) (Omitted)</p>
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1) Basic approach

Under Article 3 paragraph (1) item (iii) of the Act, even if a person is someone other than a person who has given notification of consent, that person will be considered to be “a person who has a business relationship” if it is possible to send Specified Electronic Mail addressed to that person.

Because advertising mail, as a reality of business, is sent without problems between a recipient who is “a person who has a business relationship” and advertisers, and the recipient moreover is likely to expect advertising mail concerning advertisers to be transmitted, such mail is considered to be an exception to opt-in.

2) “Business relationship”

“A person who has a business relationship” is considered to be a person in a social relationship that is recognized as allowing, as a generally accepted idea, advertising mail to be sent if not specifically refused.

Specifically, in a relationship between a business and a consumer, there is considered to be a business relationship if, in the case of a customer of a financial institution, for example, the customer establishes an account at said financial institution and continuously makes purchases or other transactions involving financial products or other products and services. Moreover, with regard to purchases of products and services, there cannot necessarily be said to be a continuous

3 Exceptions to the Opt-in Regulation (Article 3 paragraph (1) items (ii) through (iv) of the Act)

relationship with a one-time purchase only, but in cases where future purchases and other transactions are planned, it is thought there will also be cases that can be said to be a business relationship when judged in terms of form.

③ “Disclosure of one’s own Electronic Mail address” by an organization or person engaged in business

(Limitations on the Transmission of Specified Electronic Mail)

Article 3 A sender shall not transmit Specified Electronic Mail to persons other than the following persons.

(i) – (iii) (Omitted)

(iv) An organization or person (in cases of a person, limited to a person engaged in business) who has disclosed his or her own Electronic Mail address as specified in the applicable MIC ordinance or Cabinet Office ordinance, other than the persons described in the preceding three items

(2) – (3) (Omitted)

Ordinance for Enforcement

(Method of Disclosure of One’s Own Electronic Mail Address)

Article 3 The method of disclosure of one’s own Electronic Mail address pursuant to the provisions of Article 3 paragraph (1) item (iv) of the Act shall be a method that creates conditions that enable a member of the general public to inspect his or her own Electronic Mail address by using the Internet. However, this shall not apply when conditions are created that enable a member of the general public to inspect, along with his or her own Electronic Mail address, a written text to request not to send Specified Electronic Mail, by using the Internet.

1) Basic approach

In Article 3 paragraph (1) item (iv) of the Act, a party is prescribed as “An organization or person (in cases of a person, limited to a person engaged in business) who has disclosed his or her own Electronic Mail address as specified in the applicable MIC ordinance or Cabinet Office ordinance” if it is possible to send Specified Electronic Mail addressed to that person, even if that person is an individual other than a person who has given notification of consent.

In the case of Electronic Mail sent and received between businesses as part of their normal sales activities (B to B), the sending of advertising mail for business services and products to businesses that have disclosed their Electronic Mail addresses to the public by means such as a website is undertaken as a reality, and is considered to be

3 Exceptions to the Opt-in Regulation (Article 3 paragraph (1) items (ii) through (iv) of the Act)

permissible within a certain scope based on business practices. Moreover, Electronic Mail addresses first of all are disclosed basically for the purpose of receiving Electronic Mail. Consequently such mail shall be treated as an exception to opt-in because sending a certain amount of mail is considered to be permitted in such cases, even if such mail is Specified Electronic Mail.

2) Method of disclosure

Based on such realities, Article 3 of the Ordinance for Enforcement provides for “creating conditions that enable a member of the general public to inspect his or her own Electronic Mail address by using the Internet” as a specific method.

However, because it is clear that, in cases where an Electronic Mail address is disclosed together with a statement to the effect the person refuses to receive Specified Electronic Mail, a recipient has not approved the reception of Specified Electronic Mail without prior consent and it is appropriate to reject the transmission of Specified Electronic Mail Article 3 of the Ordinance for Enforcement provides that such cases “do not correspond to disclosure of one’s own Electronic Mail address.”

For purposes of requesting that advertising mail not be sent, for indications to refuse reception it is appropriate to use terms by which the indication of wish to refuse can be clearly understood (for example, a combination of words such as “Specified Electronic Mail,” “advertising mail,” “public relations mail,” “spam mail” and “refuse,” “decline,” “do not send,” etc.), and to display these together with the disclosed Electronic Mail address by placing them, for example, either directly before or directly behind the Electronic Mail address.

Furthermore, even in cases where such indications have been given, this does not mean Electronic Mail that does not correspond to Specified Electronic Mail, such as simple private letters, cannot be sent. Moreover care must be taken because in some cases when they have given such indications, recipients will no longer be able to receive Electronic Mail they would like to receive, such as mail to introduce useful business services, when such mail corresponds to Specified Electronic Mail.

4 Opt-out (Article 3 paragraph (3) of the Act)

(Limitations on the Transmission of Specified Electronic Mail)

Article 3

(1) – (2) (Omitted)

(3) Any sender shall not send Specified Electronic Mails against the wish of persons listed in each of the items in paragraph (1), who received Specified Electronic Mails from the sender and who, as specified in the applicable MIC ordinance or Cabinet Office ordinance, have notified said sender (including when they have notified the consignor of transmission) of the request not to send Specified Electronic Mails (in cases where requesting said sender not to send Specified Electronic Mails pertaining to given matters, of the request). Provided, however, that this shall not apply when advertising is sent incidentally with Electronic Mail which is sent mainly for purposes other than advertising based on the wish of the person who receives the Electronic Mail, or in other situations specified as similar by the applicable MIC ordinance or Cabinet Office ordinance.

(Method for Notifications of a Request not to Send Specified Electronic Mails)

Article 5 The method for notification of a request not to send Specified Electronic Mails pursuant to the provisions of the text in Article 3 paragraph (3) of the Act (in cases where requesting a sender not to send Specified Electronic Mails pertaining to given matters, of the request, and, in cases where requesting a sender to not send Specified Electronic mails during a given period of time, of the request and for that period of time) shall be a method to clarify the Electronic Mail address of the person requesting that Specified Electronic Mails not to sent, and send Electronic Mails by some other discretionary method.

(Exceptions to the Prohibition of Transmission to Persons Who Refuse to Receive Specified Electronic Mail)

Article 6 The cases specified by a Ministry of Internal Affairs and Communications (hereinafter referred to as “MIC”) ordinance or Cabinet Office ordinance under the proviso to Article 3 paragraph (3) of the Act shall be the cases listed in any of the following items.

(i) When advertising is sent incidentally with Electronic Mail that is sent to notify

a person who applied for or signed a contract of matters concerning the application, contents or execution of said contract

(ii) In cases where Electronic Mail is sent to a person who receives Electronic Mail using an Electronic Mail Service that is provided subject to the condition advertising will be sent, when advertising is sent incidentally with that Electronic Mail by the person providing said Electronic Mail Service

(iii) In addition to the cases listed in the preceding two items, when advertising is sent incidentally with Electronic Mail (limited to Electronic Mail that is not sent against the wishes of the recipient) which is sent mainly for purposes other than advertising

1) Basic approach

From the standpoint of ensuring the opt-in regulations function smoothly, making it easy for recipients to select opt-out when they no longer wish to receive advertising mail is extremely important because, even when recipients have given their consent to the sending Specified Electronic Mail, they will sometimes wish to no longer receive transmissions in the future as a result of having actually received advertising mail.

For this reason, under Article 3 paragraph (3) of the Act senders are prohibited from sending Specified Electronic Mail against the wish shown in a notification when they received a notification of opt-out, even in cases where consent had been obtained.

2) Method of Notification

The specific method for notification of opt-out is provided for in the Ordinance for Enforcement. While the Electronic Mail address pertaining to receipt of Specified Electronic Mail must be disclosed clearly, there are no special limitations on the specific method, whether by Electronic Mail or other arbitrary method.

3) Contents of notification

Notifications not to send must be handled by clarifying the Electronic Mail address pertaining to the reception of Specified Electronic Mail.

In addition, it is also possible to set conditions on notifications, to request not to send only Specified Electronic Mails pertaining to certain matters, or request not to send Specified Electronic Mails during certain times, and when such conditions have

4 Opt-out (Article 3 paragraph (3) of the Act)

been set the transmission of Specified Electronic Mail that conforms to those conditions is prohibited. However, because this article does not establish the obligation to continue sending Specified Electronic Mails that do not conform to the conditions in such cases and the decision on whether to send Specified Electronic Mails will depend on factors such as the conditions for providing service, recipients must note that there might also be times when they cannot receive Specified Electronic Mails as they would like.

4) Exceptions

There might be times when advertising that is incidentally included with Electronic Mails that are sent mainly for purposes other than advertising is accepted as being socially reasonable.

Because obstacles to the intended purpose will result when receivers opt-out of the Electronic Mail, such cases are provided for as exceptions to opt-out.

Specifically, the following three cases are provided for in Article 6 of the Ordinance for Enforcement.

- a) When advertising is included incidentally with Electronic Mails such as fee billings in conjunction with a contract or business communications to revise service contents
- b) When advertising is included incidentally with Electronic Mails sent by using a so-called free email service
- c) When advertising is included incidentally with a reply etc. to an inquiry made from a client as a communication in the stage before a contract

Electronic Mail containing advertising also might be sent incidentally as a condition of providing free service. With such Electronic Mails, care must be taken because the sending of said Electronic Mails will be prohibited when opt-out is selected, but the provision of the service itself might also be terminated in conjunction with the opt-out.

5) Simple opt-out methods

If an opt-out method is complex, the recipient may not opt out and instead refuse the receipt of Electronic Mail with advertising by using a filtering service provided by a telecommunications business. Electronic Mail with advertising sent in this case, not

only will advertising information targeting the recipient not be read by the recipient, but it also places a burden on telecommunication business' facilities, thus hindering them from providing an optimal hardware environment for using Electronic Mail. Because of this, sender and contractors sending Electronic Mail with advertising are recommended to provide simple opt-out methods.

An example of a simple opt-out method is to provide a separate URL as contact info for an opt-out notification for each recipient written in the body of Electronic Mail with advertising which the recipient can click to open a website allowing for a simple opt out.

Furthermore, if multiple Electronic Mails with advertising are sent, one way to opt out of all Electronic Mails is to allow the user to select opt-out notifications for said Electronic Mails on the same opt-out screen. (See Sample Screen 8.)

With regards to Specified Electronic Mail sent by multiple senders, in a case such as when the senders are clearly shown and one person is responsible for obtaining simultaneous consent for the Specified Electronic Mails, it is preferable, if possible and depending on how the records of consent are managed, to provide a method by which the user can opt out of all Specified Electronic Mails at once.

5 Obligation of Labeling (Article 4 of the Act)

(Obligation of Labeling)

Article 4 Any sender shall, as specified in the applicable MIC ordinance, upon transmission of Specified Electronic Mails, make such a Specified Electronic Mail correctly display the following matters (excluding the matters listed in item (ii) in cases specified by the applicable MIC ordinance or Cabinet Office ordinance of the proviso in paragraph (3) of the preceding article) on a screen of a communications terminal being used by a person who receives said Specified Electronic Mail:

- (i) Personal name or legal name and address of said sender (when there is a consignor of transmission for the transmission of said Electronic Mail, said sender or said consignor of transmission, whichever has responsibility for said transmission)
- (ii) Codes, including characters, numerical characters and marks, for identifying the Electronic Mail address or telecommunications facilities to receive the text notification in paragraph (3) of the preceding article that are specified by the applicable MIC ordinance and the Cabinet Office ordinance
- (iii) Other matters specified by the applicable MIC ordinance and Cabinet Office ordinance

Ordinance for Enforcement

(Method of Labeling etc.)

Article 7 The method to display the matters specified in each item of Article 4 of the Act that must be displayed shall be, depending on the classification of the matters listed in the following items, the method to display the items in the location prescribed in those items.

- (i) For matters specified in Article 4 items (i) and (ii) of the Act, an arbitrary location in the Specified Electronic Mail that enables the recipient of said Specified Electronic Mail to recognize said matters easily
- (ii) For matters specified in Article 4 item (iii) of the Act (limited to the matters specified in Article 9 item (i)), directly before or directly after the location where the matters specified in Article 4 item (ii) of the Act were displayed (when notification of text in Article 3 paragraph (3) of the Act may be made by sending Electronic Mail to an address a Specified Electronic Mail recipient has provided as the E-mail address to be used for sending said Specified Electronic Mail, an

arbitrary location in the Specified Electronic Mail that enables the recipient of said Specified Electronic Mail to recognize said matters easily)

(iii) For matters specified in Article 4 item (iii) of the Act (limited to the matter specified in Article 9 items (ii) and (iii)), an arbitrary location (when said matters are displayed in a location other than the Specified Electronic Mail, information showing the location shall be displayed in an arbitrary location in said Specified Electronic Mail)

(2) The matters listed in each of the preceding items shall be displayed by encoding them using the same character-codes used in the message text (for the matters listed in item (ii) of the same paragraph, limited to when the matters are displayed in the arbitrary location pertaining to said Specified Electronic Mail). However, matters repeatedly encoded using another encoding method within the scope necessary for transmission of the Specified Electronic Mail shall be deemed matters that have been encoded using the character-code before the repeated encoding.

(Coding Symbols to Identify Telecommunications Facilities)

Article 8 The codes, including characters, numerical characters and marks, for identifying the telecommunications facilities that are specified by the applicable MIC ordinance and Cabinet Office ordinance in Article 4 item (ii) of the Act shall be the costs in either of the following items.

(i) Codes, including characters, numerical characters and marks, for identifying on the Internet, those telecommunications facilities (referred to as “specific telecommunications facilities” in the following article) for sending telecommunications (excluding the sending of telecommunications for direct reception by the general public) for receipt by unspecified persons that are supplied to receive the notifications in the text of Article 3 paragraph (3) of the Act (limited to codes, including codes to save required electromagnetic records, to enable a recipient of Specified Electronic Mail to make said notification easily, by provision of the information necessary to make said notification using clear, simple expressions or by other method; referred to below in this article as the “acknowledgement portion”)

(ii) Codes, including characters, numerical characters and marks, related to the codes specified in the preceding item, which enable recipients of Specified Electronic Mail to use said codes to connect to the acknowledgement portion from a communications terminal that uses the codes

(Other Matters that Require Labeling)

Article 9 The matters specified by the MIC ordinance and Cabinet Office ordinance in Article 4 item (iii) of the Act shall be the following matters. However, this shall not apply when sending Specified Electronic Mail in the cases listed in any of the items under Article 6.

- (i) It shall be possible to make notification of a request not to send Specified Electronic Mails, using the method specified in Article 5, by sending an Electronic Mail to the Electronic Mail address listed in Article 4 item (ii) of the Act or by using the codes, including characters, numerical characters and marks, provided in the preceding article.
- (ii) Address of the sender stipulated in Article 4 item (i) of the Act
- (iii) Telephone numbers and Electronic Mail addresses for accepting complaints, inquiries etc. concerning transmission of Specified Electronic Mail, or the codes, including characters, numerical characters and marks, to identify on the Internet the unit at specific telecommunications facilities for accepting complaints, inquiries etc. or the codes, including characters, numerical characters and marks, related to these, that enable recipients of Specified Electronic Mail to use said codes to connect to said unit from a communications terminal that uses the codes

① Approach concerning “Obligation of Labeling” and basic labeling matters

In order for the opt-in system to function, Article 4 item (i) of the Act establishes the obligation to display, when sending Specified Electronic Mail, the personal name or legal name of the person with responsibility for the transmission, to enable the recipient to easily judge whether the mail is Specified Electronic Mail from a person etc. notified of consent beforehand, and Article 4 item (ii) of the Act establishes the obligation to display an Electronic Mail address or URL to serve as the contact for refusal to receive Specified Electronic Mail, to enable recipients to reliably select opt-out.

② Other matters required as “labeling”

In addition, based on Article 4 item (iii) of the Act, Article 9 of the Ordinance for

Enforcement provides for (1) a description that opt-out notification is possible, (2) the address of the sender and (3) a telephone number, Electronic Mail address or URL for accepting complaints, inquiries etc. as the matters that must be displayed, except in the cases of exceptions to opt-out (P19). With regard to (3), although the obligation under the law can be met with a telephone number, Electronic Mail address or URL, it is recommended that in addition to an Electronic Mail address or URL, a telephone number also be provided when possible.

③ Method of labeling

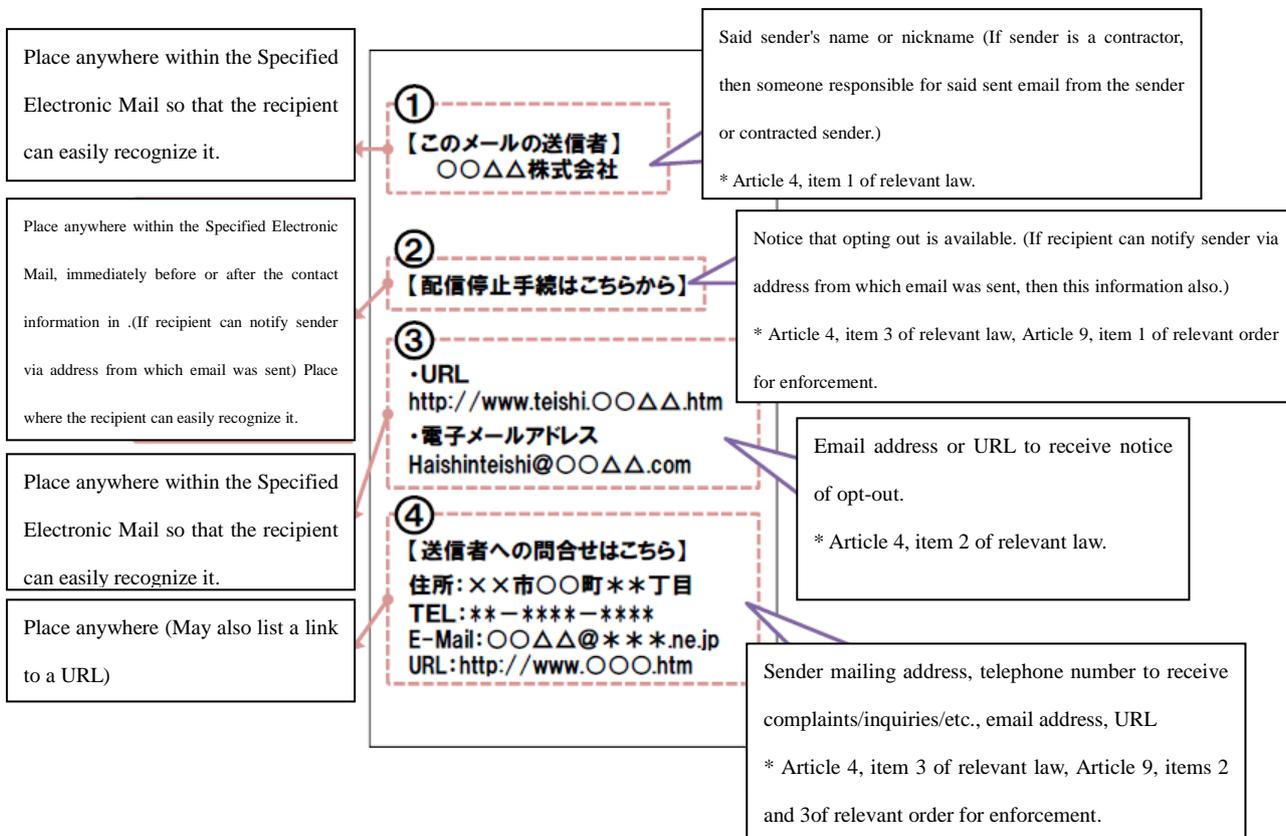
The following are prescribed in Article 7 of the Ordinance for Enforcement as places where labeling should be displayed.

- a) For the personal name or legal name of the individual responsible for sending Electronic Mail and the Electronic Mail address or URL to serve as the contact for selecting opt-out, an arbitrary location the recipient can easily recognize.
- b) For the address of the individual responsible for sending Electronic Mail and the telephone number etc. for receiving complaints etc., an arbitrary location that includes a website link.
- c) For labeling indicating notification of opt-out is possible, a location such as before or behind the Electronic Mail address etc. that is the contact for selecting opt-out

Furthermore, given the need to display the information plainly for the recipient, for the method of labeling it is recommended the information be displayed at the beginning or the end of the Electronic Mail text. For matters permitted to be described on the link website as well, it is recommended said matters be displayed on the link website in a manner that makes them easily recognizable by the recipient.

However, when describing the link website URL is permitted, or when using the URL as the contact for notification of opt-out as well, this is improper as labeling if a person cannot reach the required display without clicking many times.

5 Obligation of Labeling (Article 4 of the Act)



Note: The name/identity of the sender in ① must be the sender's legal name/identity. The name of the sender cannot be shown in the name of a website offering a service, service name (example: ABC Business Office), store name or brand name.

6 Administrative Order (Article 7 of the Act)

(Administrative Order)

Article 7 Where the Minister of Internal Affairs and Communications (hereinafter referred to as “Minister”) and the Prime Minister (when concerning the transmission of Electronic Mails sent to Fictitious Electronic Mail Addresses, the Minister) deems that with respect to transmission of Electronic Mails, including simultaneous transmission of Specified Electronic Mails to many persons, a sender does not comply with the provisions of Article 3 or Article 4, or where the Minister deems that a sender has sent Electronic Mails to Fictitious Electronic Mail Addresses or Electronic Mails using false sender information, and when the Minister deems that it is necessary for preventing the occurrence of disturbances upon transmission and reception of Electronic Mails, the Minister may order said sender (when the consignor of transmission for these Electronic Mails has received the notification in Article 3 paragraph (1) item (i) or item (ii) pertaining to the transmission of said Electronic Mails and has maintained the records in paragraph (1) item (ii) and performed part of the other activities pertaining to the said Electronic Mails, and the transmissions of said Electronic Mails is recognized to be for a reason that can be attributed to said consignor of transmission, said sender and said consignor of transmission) to take necessary measures for improvement of the methods for Electronic Mail transmission.

① Sender actions subject to the Act

1) Simultaneous transmission of Specified Electronic Mail to many persons and other transmissions of Electronic Mail

“Simultaneous transmission of Specified Electronic Mails to many persons” illustrates the typical Electronic Mail transmission mode that might become subject to administrative order. The words “simultaneous to many persons” envisage cases that exceed the scope or number of recipients that would be assumed when a normal user of Electronic Mail sends normal Electronic Mail, including cases when indiscriminately sending large quantities of Electronic Mail to a wide range of recipients with a single operation, with the volume or number of recipients varying depending on factors such as the mode and technology level of the transmission.

Furthermore, in addition to simultaneous transmissions to many persons, other cases regarded as being within the scope of Electronic Mails subject to administrative order include Electronic Mails to Fictitious Electronic Mail Addresses or Electronic Mails using false sender information.

2) Sender actions

The actions of senders that are subject to administrative order are the following four behaviors.

- Actions that do not comply with the provisions of Article 3 (Limitations on the Transmission of Specified Electronic Mail)
- Actions that do not comply the provisions of Article 4 (Obligation of Labeling)
- Sending Electronic Mails using false sender information
- Sending Electronic Mails addressed to fictitious Electronic Mail Addresses

② Prevention of disturbances upon transmission and reception of Electronic Mails

Cases where there is disturbance of the smooth provision of the Electronic Mail Service provided by telecommunications carriers, including when disturbances such as the delay of Electronic Mail occur, for example, are envisioned as disturbances upon transmission and reception of Electronic Mails.

In addition, cases envisaged as cases where disturbances occur on the addressee side are cases that interfere with the normal use of Electronic Mail, make Electronic Mail inconvenient to use and violate the scope of the addressee's private life and, as a result, violate a person's appropriate rights pertaining to privacy and communications.

③ Administrative orders on consignors of transmission

Under this article it shall be possible to issue an administrative order not only on the sender but also on a consignor of transmission when part of some activity has been performed by a consignor of transmission and a reason that should be attributed to the consignor of transmission is recognized.

Times when there is a reason that should be attributed to a consignor of transmission means when the cause of a transmission of improper Electronic Mail lies with the consignor of transmission, such as when, for example, it has sent Electronic Mail after being provided with, from a sender regarded as the person who received the notification, the Electronic Mail addresses to become the recipients, regardless of whether the notification provided for in Article 3 paragraph (1) item (i) or item (ii) of the Act was not received.

④ Necessary measures

Depending on the specific mode of the transmission act, determining whether to specifically take any measures as “necessary measures for improvement of the methods for Electronic Mail transmission” will vary. For example, issuing an order to send Electronic Mail that complies with the obligation of labeling in cases where Specified Electronic Mail that violates Article 4 was sent, or issuing an order to send Electronic Mail that accurately describes sender information in cases when Electronic Mails using false sender was sent, will be considered.

Sample Screens

Sample Screen 1

Unacceptable means of gaining consent

(1) Written with extremely small characters

Example 1

〇〇〇通販 会員登録画面

〇〇〇通販の会員登録の前に、必ず利用規約をお読みください。

【〇〇〇通販 利用規約】

第1条(〇〇)
.....
第2条(〇〇〇〇)
.....
第〇〇条(〇〇)
.....
当社は、会員に対して、電子メールおよび当サイトのメールマガジン広告等を掲載することができるものとします。
(20xx年〇月〇日制定)

規約に同意する

The part about the Specified Electronic Mail's sender is written in an extremely small font.

Example 2

〇〇〇通販 会員登録画面

〇〇〇通販の会員登録の前に、必ず利用規約をお読みください。

【〇〇〇通販 利用規約】

第1条(〇〇)
.....
第2条(〇〇〇〇〇〇)
.....
第〇〇条(〇〇〇〇)
.....
第〇〇条(〇〇〇〇)
.....
第〇〇条(〇〇〇〇)
.....
当社は、会員に対して、電子メールおよび当サイトのメールマガジン広告等を掲載することができるものとします。
(20xx年〇月〇日制定)

規約に同意する

The terms of service are written in an extremely small font.

(2) Written with a font color that extremely difficult to notice

〇〇〇通販 会員登録画面

〇〇〇通販の会員登録の前に、必ず利用規約をお読みください。

【〇〇〇通販 利用規約】

第1条(〇〇)
.....
第2条(〇〇〇〇〇)
.....
第〇〇条(広告メールの配信)
当社は、会員に対して、電子メールにより、当サイトのメールマガジン広告等を掲載することができるものとします。
第〇〇条(〇〇)
.....
(20xx年〇月〇日制定)

規約に同意する

Written in a font with nearly the same color as the background

(4) Identity of partner to whom consent is given is not specified.
(Only lists things such as a related site or sister site.)

***ウェブサイト 会員規約

第1条(〇〇)
.....

第2条(〇〇〇〇)
.....

第〇〇条(〇〇〇〇)
.....

第〇〇条(メールマガジン・広告等の配信)
会員は、当社の提供するウェブサイト「***」及び関連サイト・姉妹
サイトからの電子メール広告の受信に同意するものとします。

第〇〇条(〇〇)
.....

第〇〇条(〇〇)
.....

(20xx年〇月〇日制定)

Sample Screen 2

Example of a website that informs the user of their consent at the final confirmation screen in order to prevent the user from not noticing that advertising/PR email will be sent and accidentally consenting to having such email sent.

〇〇〇通販 御注文確認画面

注文内容の確認 お客様情報の入力 支払方法の指定 **確認画面** 注文完了

「利用規約に同意して注文を確定する」ボタンを押すと注文が完了となります。

利用規約に同意して注文を確定する

✓ 利用規約はこちら
✓ お客様情報、ご注文内容をお確かめの上、この内容でよければ「利用規約に同意して注文を確定する」ボタンを押してください。

① お客様情報

•お客様の氏名 姓 [.....] 名 [.....]

•生年月日 [....]年 [..]月 [..]日

•お客様のメールアドレス [.....@.....]
※ 利用規約に同意して注文を確定すると、当社からの広告宣伝メール【〇〇〇通販】お買い得情報」の受信に同意したことになります。

•配達先住所 [.....]

② ご注文内容

Preferably, this should be made noticeable such as by placing the user's email address directly below or displaying the notice in red letters against a white background.

Sample Screen 3

[Example of a website screen with pre-checked checkboxes]

〇〇〇ショッピングサイト

・〇〇〇ショッピングサイトからのメール

※ ご利用いただいた方に、以下のお得なメールをお送りしています。不要な方はチェックを外してください。

〇〇〇ショッピングサイトのお知らせメール

ショッピング関連ニュース

お得なポイントサービスお知らせメール

* In case the user wishes to receive advertising/PR email from the site administrator, then the checkbox is already checked. If the user does not wish to, then the checkbox must be unchecked already.

[Example of a website screen with no pre-checked checkboxes]

〇〇〇ショッピングサイト

・〇〇〇ショッピングサイトからのメール

※ 希望するメールにチェックを入れてください。

〇〇〇ショッピングサイトのお知らせメール

ショッピング関連ニュース

お得なポイントサービスお知らせメール

* In case the user wishes to receive advertising/PR email from the site administrator, then the user must check the checkbox. If the user does not wish to, then the user can leave the checkbox alone.

Sample Screen 4

[Example of clearly showing the user that checkboxes are pre-checked]

〇〇〇ショッピングサイト

・〇〇〇ショッピングサイトからのメール

※ ご利用いただいた方に、当社から以下のお得なメールをお送りしています。不要な方はチェックを外してください。

〇〇〇ショッピングサイトのお知らせメール

ショッピング関連ニュース

お得なポイントサービスお知らせメール

全てのチェックを外す

お客様はメール配信に同意いただいている状態です。配信が不要な場合はチェックを外してください。

Preferably, this should be made noticeable such as by displaying the notice in red letters against a white background.

Sample Screen 5

[Example of improperly placed options so that most users will not see]

〇〇〇ショッピングサイト
お客様情報入力画面

ご注文の確定 **お客様情報の入力** 支払方法の選択 確認画面 注文完了

•お客様の氏名 姓 名

•生年月日 年 .. 月 .. 日

•お客様のメールアドレス @.....

•配送先住所

•ご注文の商品

品名	商品情報	単価	数量	数量変更	小計
<input type="checkbox"/>	***-△△-123 【付属】空気清浄機	9,975	1	<input type="checkbox"/>	9,975
<input type="checkbox"/>	***-〇〇〇-001 【限定有り】お花相框 画・数々のセット	16,800	1	<input type="checkbox"/>	16,800
小計					¥26,775
送料					¥500
合計					¥27,275

次へ進む

•〇〇についての補足

次へ進む

PR
最大〇〇%OFF!
〇〇=△△ ¥12,000
△△=×× ¥28,000
××=〇〇 ¥48,000

PR
会員〇万人突破記念
限定3,000個大放出!!!
〇ヶ月でここまで変わります!!

次へ進む

•〇〇〇ショッピング
サイトからのメール

※ご利用いただいた方に、以下のお得なメールをお送りしています。不要な方はチェックを外してください。

- 〇〇〇ショッピングサイトのお知らせメール
- ショッピング関連ニュース
- お得なポイントサービスお知らせメール

次へ進む

Screen configured so that the user can move on to the next screen without seeing the checkboxes

Part that will not display unless user scrolls down

User will not notice checkboxes are pre-checked unless the user scrolls to the bottom.

Sample Screen 6

[Example of options placed so that most users will not see]

〇〇〇ショッピングサイト

お客様情報入力画面

※ お客様の氏名 姓 名

※ 生年月日 年 月 日

※ お客様のメールアドレス

※ ページの下部に、当社からのメール配信のご案内があります。何も操作されなければ、メールが配信されます。メールが不要の場合はチェックボックスのチェックを外してください。

※ 配送先住所

ご注文の商品

削除	商品情報	価格	数量	数量変更	小計
<input type="checkbox"/>	***-△△-123 【数量】空気清浄機	9,975	1	<input type="text"/>	9,975
<input type="checkbox"/>	***-□□□-001 【限定有り】羽毛布団 10-置き布団セット	16,800	1	<input type="text"/>	16,800
小計					¥26,775
送料					¥500
合計					¥27,275

〇〇についての補償

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PR

最大〇〇%OFF!

〇〇→△△ ¥12,000
△△→×× ¥88,000
××→〇〇 ¥48,000

PR

会員〇万人突破記念
限定3,000個大放出!!!
〇ヶ月でここまで変わります!!!

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※ 〇〇〇ショッピングサイトからのメール

※ ご利用いただいた方に、以下のお得なメールをお送りしています。不要な方はチェックを外してください。

〇〇〇ショッピングサイトのお知らせメール

ショッピング関連ニュース

お得なポイントサービスお知らせメール

全てのチェックを外す

[次へ進む](#)

Notice displayed informing users that the user must scroll down to see pre-checked checkboxes

Part that will not display unless user scrolls down

Sample Screen 7

[Example of checkboxes checked when returning to a previous screen]

(1) Screen with pre-checked checkboxes unchecked

OOOショッピングサイト
お客様情報入力画面

注文内容の確認 **お客様情報の入力** 支払方法の指定 確認画面 注文完了

•お客様の氏名 姓 名

•生年月日 年 .. 月 .. 日

•お客様のメールアドレス

•配送先住所

•ご注文の商品

削除	商品情報	価格	数量	数量変更	小計
<input type="checkbox"/>	***-△△-123 【除菌】空気清浄機	9,975	1	<input type="checkbox"/>	9,975
<input type="checkbox"/>	***-〇〇〇-001 【限定有り】羽織掛け布 団・敷き布団セット	16,800	1	<input type="checkbox"/>	16,800
小計					¥26,775
送料					¥500
合計					¥27,275

•OOOショッピング
サイトからのメール

※ ご利用いただきたい方に、以下のお得なメールをお送りしています。
不要な方はチェックを外してください。

- OOOショッピングサイトの店舗からメール
- ショッピング関連ニュース
- お得なポイントサービスお知らせメール

次へ進む

1. User unchecks checkboxes

2. User proceeds to the next screen

(2) Next Screen

OOOショッピングサイト
支払方法の指定画面

注文内容の確認 お客様情報の入力 **支払方法の指定** 確認画面 注文完了

- クレジットカードで支払う
- 銀行振り込みで支払う
- 代金引換で支払う

次へ進む

User clicks the browser's [Back button] to return to the previous screen

(3) Screen shown after clicking the browser's Back button

〇〇〇ショッピングサイト
お客様情報入力画面

注文内容の確認 **お客様情報の入力** 支払方法の指定 確認画面 注文完了

•お客様の氏名 姓 名

•生年月日 年 .. 月 .. 日

•お客様のメールアドレス @.....

•配送先住所

•ご注文の商品

商品	商品情報	価格	数量	数量変更	小計
商品	***-△△-123 【限定】限定限定	9,975	1	▼	9,975
商品	***-〇〇〇-001 【限定有り】限定限定 限定限定	16,800	1	▼	16,800
小計					¥26,775
送料					¥500
合計					¥27,275

次へ進む

•〇〇〇ショッピングサイトからのメール ※ ご利用いただいた方に、以下のお得なメールをお送りしています。不要な方はチェックを外してください。

- 〇〇〇ショッピングサイトのお知らせメール
- ショッピング関連ニュース
- お得なポイントサービスお知らせメール

User's previous selections are maintained

Checkboxes unchecked by the user are re-checked

In this instance, the user may click the Proceed button and finish the process without noticing the checked boxes. This is improper.

Sample Screen 8

[Examples of simple opt-out arrangements]

(1) Example of assigning a unique URL for an opt-out screen



The recipient is assigned a unique URL.
Click to...

Display an opt-out screen where you do not have to enter your ID or password.

(2) Example of settings allowing users to opt out of all advertising/PR email with one click

