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### Chapter I General Provisions

#### (Purpose)

Article 1 The purpose of this Act, in light of the recognized need to prevent hindrances to transmission and reception of Electronic Mails due to simultaneous transmission, etc. of Specified Electronic Mails to many persons, is, by specifying measures, etc. for proper transmission of Specified Electronic Mails, to prepare a preferable environment for the use of Electronic Mails, and thereby to contribute to the sound development of an advanced information and communications society.

#### (Definitions)

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

- (i) The term “Electronic Mail” means telecommunications (referring to telecommunications as specified under Article 2 item (i) of the Telecommunications Business Law (Act No. 86 of 1984)) to transmit information, including texts, to specified persons by having screens of communications terminals (including input/output devices; the same shall apply in the following Articles) used by said specified persons display said information, and which uses communications methods specified in the applicable Ministry of Internal Affairs and Communications (hereinafter referred to as “MIC”) ordinance.
- (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) The term “Electronic Mail Address” means codes, including characters, numerical characters and marks, for identifying a user of Electronic Mail.

- (iv) The term “Fictitious Electronic Mail Address” means an Electronic Mail Address falling under either of the following:
  - (a) An Electronic Mail Address as produced by using a program (referring to a set of orders to a computer, and orders of which are combined for obtaining a result) with a function to automatically generate many Electronic Mail Addresses
  - (b) An Electronic Mail Address actually not being used by anyone as an Electronic Mail Address
- (v) The term “Electronic Mail Service” means telecommunications service pertaining to Electronic Mail as provided for in Article 2 item (iii) of the Telecommunications Business Law.

## Chapter II Measures for Appropriate Transmission of Specified Electronic Mail

### (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) 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) 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
  - (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) 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) 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.

### (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

(Prohibition of Transmission under False Sender Information)

Article 5 Any sender shall not send Electronic Mails falsifying the following information on the sender (hereinafter referred to as “sender information”) among information for sending and/or receiving Electronic Mails:

- (i) Electronic Mail Address used for sending said Electronic Mails
- (ii) Codes, including characters, numerical characters and marks, for identifying telecommunications facilities for sending said Electronic Mails

(Prohibition of Transmission Using Fictitious Electronic Mail Address)

Article 6 Any sender shall not send Electronic Mails to Fictitious Electronic Mail Addresses for the purpose of sending many Electronic Mails for their own or other’s sales activities.

(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 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.

(Petition to the Minister or the Prime Minister)

Article 8 A person who has received Specified Electronic Mail may, when the person finds that Electronic Mail has been sent in violation of the provisions of Article 3 through Article 5, petition the Minister or the Prime Minister to take proper measures.

- (2) The Minister listed in the following items shall, when receiving petition pursuant to the provisions of the preceding two paragraphs (excluding when said petition is to the Minister or the Prime

Minister), promptly notify the minister listed in respective said paragraphs to that effect.

(i) The Minister The Prime Minister

(ii) The Prime Minister The Minister

- (3) A person who is offering Electronic Mail Services may, when the person finds that Electronic Mail has been sent to Fictitious Electronic Mail Addresses in violation of the provisions of Article 6, petition the Minister to take proper measures.
- (4) The Minister or the Prime Minister shall, when receiving petition pursuant to the provisions of paragraph (1), implement the necessary investigation and, where it is deemed necessary based upon results of the investigation, take measures based upon this Act and the other proper measures.
- (5) The Minister shall, when receiving petition pursuant to the provisions of paragraph (3), implement the necessary investigation and, where it is deemed necessary based upon results of the investigation, take measures based upon this Act and other proper measures.

(Dealing with Complaints, etc.)

Article 9 Any sender of Specified Electronic Mails shall, in good faith, deal with complaints, inquiries, etc. on transmission of Specified Electronic Mails by the sender.

(Information Provision and Technological Development, etc. by Telecommunications Carriers)

Article 10 Any telecommunications carrier (referring to a telecommunications carrier stipulated in Article 2 item (v) under the Telecommunications Business Law; hereinafter the same shall apply.) offering Electronic Mail Services shall endeavor to provide users of said services with information on services that contribute to prevention of the occurrence of disturbances upon transmission and reception of Electronic Mails caused by Specified Electronic Mails, Electronic Mails using false sender, or Electronic Mails to be sent to Fictitious Electronic Mail Addresses information (hereinafter referred to as “Specified Electronic Mail, etc.”).

- (2) Any telecommunications carrier offering Electronic Mail Services shall endeavor to develop or introduce technologies for contributing to prevention of the occurrence of disturbances upon transmission and reception caused by Specified Electronic Mail, etc.

(Refusal of Provision of Telecommunications Services)

Article 11 A telecommunications carrier may, in cases where many Electronic Mails addressed to fictitious Electronic Mail Addresses have been simultaneously sent and have caused disturbances in smooth offering of its Electronic Mail Services, or when it is considered that there is a risk of causing disturbances in the transmission and reception of Electronic Mails of that user, or in cases where many Electronic Mails addressed to fictitious Electronic Mail Addresses have been simultaneously sent and when it is considered that there is a risk of causing disturbances in smooth offering of its Electronic Mail Services, or where it is considered that there is justifiable grounds to refuse the provision of Electronic Mail Services for prevention of the occurrence of disturbances upon transmission and reception of Electronic Mails, refuse to provide a person who sends Electronic Mails having a risk of causing said disturbances with Electronic Mail Services, to the extent of preventing said disturbances.

(Instruction and Advice to Corporations for Telecommunications Carriers)

Article 12 The Minister shall endeavor to give necessary instructions and advices for services to a general incorporated juridical person which provides member telecommunications carriers with

services, including the provision of information, contributing to prevention of the occurrence of disturbances upon transmission and reception of Electronic Mails caused by Specified Electronic Mails, etc.

(Disclosure of Status of Research and Development, etc.)

Article 13 The Minister shall, at least once a year, disclose the status of research and development on technologies for contributing to prevention of the occurrence of disturbances upon transmission and reception of Electronic Mails caused by Specified Electronic Mails, etc. and the introduction status of such technologies by telecommunications carriers providing Electronic Mail communications services.

### Chapter III Registered Agency for Proper Transmission

(Registration of Registered Agency for Proper Transmission)

Article 14 The Minister or the Prime Minister may have a person who is registered by the Minister (hereinafter referred to as the “registered agency for proper transmission”) conduct the following services (hereinafter referred to as the “services for proper transmission of Specified Electronic Mail, etc.”):

- (i) To give instructions or advices to a person who intends to file a petition with the Minister or the Prime Minister pursuant to the provisions of Article 8 paragraph (1) or a person who intends to file a petition with the Minister pursuant to the provisions of Article 8 paragraph (3)
  - (ii) To conduct investigations on facts pertaining to a petition in Article 8 paragraph (4) or paragraph (5), when requested by the Minister or the Prime Minister
  - (iii) To collect and provide information or materials concerning Specified Electronic Mail, etc.
- (2) The registration in the preceding paragraph shall be made upon request from a person who intends to conduct the services for proper transmission of Specified Electronic Mail, etc.

(Disqualification)

Article 15 Any person who falls under any of the following items shall not be registered under paragraph (1) of the preceding article.

- (i) Any person who has been sentenced to a fine or more severe punishment for violation of this Act or an order based upon this Act, if a period of two years has not elapsed since the day the punishment was completed or the day when the punishment is expired.
- (ii) Any person whose registration was rescinded pursuant to the provisions of Article 25, if a period of two years has not elapsed since the day of the rescission.
- (iii) Where the applicant is a juridical person, any of whose officers who execute its business falls under any of the preceding two items.

(Criterion for Registration)

Article 16 The Minister or the Prime Minister shall grant registration to any person who has applied for registration pursuant to the provisions of Article 14 paragraph (2), if the applicant for registration complies with all of the following items. In this case, the procedures necessary for registration shall be specified by the applicable MIC ordinance or Cabinet Office ordinance.

- (i) A person who has graduated from a university, or technical college, provided for in the School Education Act (Act No. 26 of 1947) as having mastered subjects concerning telecommunications

and has one year or longer of experience in the business of Electronic Mail communications services, or a person who has knowledge and experiences equivalent thereto or higher, is engaged in the services for proper transmission of Specified Electronic Mail, etc.

- (ii) The following measures are taken in order to properly implement the services for proper transmission of Specified Electronic Mail, etc.:
  - (a) A full-time administrator is appointed at a unit to implement the services for proper transmission of Specified Electronic Mail, etc.
  - (b) Documents are prepared for ensuring management and proper implementation of the services for proper transmission of Specified Electronic Mail, etc.
  - (c) In accordance with the descriptions in the documents under b), a dedicated unit is set up for ensuring management and proper implementation of the services for proper transmission of Specified Electronic Mail, etc.
- (2) The registration shall be made by entering the following matters in the registration book of registered agencies for proper transmission:
  - (i) Date of registration and registration number
  - (ii) Name and address of a registered agency for proper transmission and, in the cases where the person is a juridical person, name of the representative
  - (iii) Name and address of the office where a registered agency for proper transmission conducts the services for proper transmission of Specified Electronic Mail, etc.

(Renewal of Registration)

Article 17 The registration under Article 14 paragraph (1) shall, if it is not renewed at the registered agency for proper transmission concerned every three years, cease to be effective by passage of the period.

- (2) The provisions of Article 14 paragraphs (2) and the preceding two articles shall apply, mutatis mutandis, to the renewal of registration under the preceding paragraph.

(Obligation Pertaining to Implementation of Services for Proper Transmission of Specified Electronic Mail, etc.)

Article 18 Any registered agency for proper transmission shall conduct the services for proper transmission of Specified Electronic Mail, etc. fairly through methods complying with requirements listed in each item of Article 16 paragraph (1) and the standards specified by the applicable MIC ordinance or Cabinet Office ordinance.

(Notification of Changes)

Article 19 Any registered agency for proper transmission shall, when intending to change matters listed in item (ii) or item (iii) of Article 16 paragraph (2), notify the Minister and the Prime Minister to that effect two weeks prior to the day of said changes.

(Operational Rules and Procedures)

Article 20 Any registered agency for proper transmission shall establish its operational rules and procedures concerning the services for proper transmission of Specified Electronic Mail, etc., and shall notify the Minister and the Prime Minister of the operational rules and procedures prior to the commencement of the services for proper transmission of Specified Electronic Mail, etc. The same shall apply when such rules and procedures are to be revised.

- (2) The operational rules and procedures shall specify the methods of carrying out the services for proper transmission of Specified Electronic Mail, etc. and other matters specified in the applicable MIC ordinance and Cabinet Office ordinance.

(Suspension and Discontinuation of Service)

Article 21 Any registered agency for proper transmission shall, when intending to suspend or discontinue the services for proper transmission of Specified Electronic Mail, etc., notify the Minister and the Prime Minister to that effect in advance, as specified in the applicable MIC ordinance and Cabinet Office ordinance.

(Preparation of Financial Statements, etc. and Access, etc. Thereto)

Article 22 Any registered agency for proper transmission shall, within three months after the end of every business year, prepare an inventory of properties, a balance sheet and a profit and loss statement or income and expenditure account statement, and an operating report or a business report (including an electromagnetic record (any record which is produced by electronic, magnetic, or any other means unrecognizable by natural perceptive function, and is used for data-processing by a computer; hereinafter in this article the same shall apply) in cases where electromagnetic records are produced instead of those paper documents; in the following paragraph and Article 36, referred to as “financial statements, etc.”) and retain thereof for a five-year period at its office.

- (2) Parties concerned, including a person who received Specified Electronic Mail, may, whenever within the business hours of a registered agency for proper transmission, make the following requests. However, when making the request of item (ii) or item (iv), fees set forth by the registered agency for proper transmission shall be paid.
- (i) Where financial statements, etc. are written documents, a request for inspection of said documents or copy thereof
  - (ii) A request for certified transcript or extract of the documents under the preceding item
  - (iii) Where financial statements, etc. are produced as electromagnetic records, a request for inspection or copy of matters recorded on said electromagnetic records which are displayed in a manner stipulated in the applicable MIC ordinance and Cabinet Office ordinance
  - (iv) A request for the matters recorded on said electromagnetic records under the preceding item in an electromagnetic manner stipulated in the applicable MIC ordinance and Cabinet Office ordinance or a request for delivery of written documents containing said matters

(Order for Compliance)

Article 23 When the Minister and the Prime Minister find that a registered agency for proper transmission has failed to comply with any of the items in Article 16 paragraph (1), the Minister and the Prime Minister may order said registered agency for proper transmission to take necessary measures for compliance with all such provisions.

(Order to Improve Business Activities)

Article 24 The Minister and the Prime Minister may, when he or she finds that a registered agency for proper transmission is violating the provisions of Article 18, order said registered agency for proper transmission to implement the services for proper transmission of Specified Electronic Mail, etc. pursuant to the provisions of the same article or to take necessary measures for improving the methods of the services for proper transmission of Specified Electronic Mail, etc.

(Rescission etc. of Registration)

Article 25 The Minister and the Prime Minister may rescind his or her registration or order the suspension in whole or in part of its services for proper transmission of Specified Electronic Mail, etc. for a specified period, if a registered agency for proper transmission:

- (i) Falls under Article 15 item (i) or item (iii)
- (ii) Violates the provisions of Article 19 through Article 21, Article 22 paragraph (1) or the following article
- (iii) Rejects a request pursuant to the provisions of each item of Article 22 paragraph (2) without justifiable reason
- (iv) Violates the order pursuant to the provisions of the preceding two articles
- (v) Obtains the registration under Article 14 paragraph (1) by wrongful means

(Maintenance of Record Book)

Article 26 Any registered agency for proper transmission shall, in accordance with the applicable MIC ordinance, prepare and maintain a record book, on which matters specified in the applicable MIC ordinance and Cabinet Office ordinance related to the services for proper transmission of Specified Electronic Mail, etc. shall be entered.

(Public Notice)

Article 27 The Minister and the Prime Minister shall, in the following cases, issue a public notice to that effect in the Official Gazette:

- (i) When registering an agency under Article 14 paragraph (1)
- (ii) When receiving a notification pursuant to the provisions of Article 19
- (iii) When receiving a notification pursuant to the provisions of Article 21
- (iv) Pursuant to the provisions of Article 25, when rescinding a registration of Article 14 paragraph (1), or ordering the suspension of the services for proper transmission of Specified Electronic Mail, etc.

Chapter IV Miscellaneous Provisions

(Report and On-site Inspection)

Article 28 Within the limit necessary for the enforcement of this Act, the Minister or the Prime Minister may order a sender or consignor of transmission of Specified Electronic Mail, etc. to report on the state of transmission thereof, or delegate ministerial staff to enter the office of the sender or consignor of transmission to inspect articles, including record books and documents.

- (2) Within the limit necessary for ensuring proper operations of the services for proper transmission of Specified Electronic Mail, etc., the Minister and the Prime Minister may order a registered agency for proper transmission to report on the state of the services for proper transmission of Specified Electronic Mail, etc. or assets, or delegate ministerial staff to enter the office of the registered agency for proper transmission to inspect the state of the services for proper transmission of Specified Electronic Mail, etc., or articles, including record books and documents.
- (3) Any ministerial staff who conducts the on-site inspection in accordance with the provisions of the preceding two paragraphs shall carry an identification card and show it to persons concerned.

- (4) The power of the on-site inspection under the provisions of paragraph (1) or paragraph (2) shall not be construed as being legitimate for the purpose of criminal investigations.
- (5) The Ministers listed in the following items shall, when individually exercising the authority pursuant to the provisions of paragraph (1), promptly notify the minister specified in each said paragraph respectively of the result.
  - (i) The Minister The Prime Minister
  - (ii) The Prime Minister The Minister

(Requests for Offering Information Concerning Senders)

Article 29 Within the limit necessary for the enforcement of this Act, the Minister may request, from telecommunications carriers and other persons granted the right to use codes, including characters, numerical characters and marks, for identifying Electronic Mail addresses or telecommunications facilities (limited to information displayed on a screen of a communications terminal being used by a person who receives said Specified Electronic Mails etc. or information on the sender among information for sending and/or receiving Specified Electronic Mails etc.), the provision of the names or legal names and addresses of persons granted said right and other information necessary to specify the persons granted said rights.

(Provision of Information to Foreign Enforcement Authorities)

Article 30 The Minister may provide, to authorities in other countries that execute the laws of other countries (hereinafter referred to as “foreign enforcement authorities” in this article) that correspond to this Act, information that he or she finds that will contribute to the execution of their duties (limited to duties corresponding to the duties stipulated in this Act; the same shall apply in the following paragraphs).

- (2) For provision of information pursuant to the provisions of the preceding paragraph, appropriate measures shall be taken to ensure said information is not used except for the execution of the duties of said foreign enforcement authorities, and is not used for an investigation (limited to an investigation after the criminal facts subject to the investigation have been identified) or trial (referred to as “an investigation etc.” in this paragraph) of criminal cases in other countries if consent pursuant to the provisions of the following paragraphs has not been given.
- (3) The Minister may, when he or she has received a request from foreign enforcement authorities, consent to the use of information provided pursuant to the provision of paragraph (1) in an investigation of a foreign criminal case pertaining to said request, except in cases that fall under any of the following items.
  - (i) When the crime subject to an investigation etc. of the criminal case pertaining to said request is a political crime, or when it is recognized said request will be used for the purpose of conducting an investigation etc. concerning a political crime
  - (ii) When the act pertaining to the crime that is assumed to be the subject of an investigation etc. of a criminal case pertaining to said request was performed in Japan, and the act does not correspond to a crime under the laws of Japan.
  - (iii) When there is no guarantee of the requesting country to the effect it will respond to a similar type of request made by Japan
- (4) The Minister shall, when he or she will give the consent in the preceding paragraph, obtain the confirmation of the Minister of Justice for requests that do not correspond to item (i) and item (ii) of the same paragraph and the confirmation of the Minister of Foreign Affairs for requests that do not

correspond to item (iii) of the same paragraph, respectively, beforehand.

(Delegation of Authority etc.)

Article 31 The Prime Minister shall delegate the authority pursuant to the provisions of this Act (excluding those specified in the applicable cabinet order) to the Secretary-General of the Consumer Affairs Agency.

(2) As specified in the applicable cabinet order, part of administrative work under the jurisdiction of the Minister stipulated in this Act, and the jurisdiction delegated to the Secretary-General of the Consumer Affairs Agency based on the provisions of the preceding paragraph, may become administrative work that shall be conducted by prefectural governors.

(Transitional Measures)

Article 32 When orders are established, amended or abolished in accordance with the provisions of this Act, necessary transitional measures (including those concerning the Penal Provisions) may be stipulated in those orders to such extent as deemed to be reasonably necessary in establishing, amending or abolishing those orders.

## Chapter V Penal Provisions

Article 33 Any person who has violated an order to suspend business operations in accordance with the provisions of Article 25 shall be punished by imprisonment with work for a term not exceeding one year or to a fine not exceeding one million yen, or to both.

Article 34 Any person shall be punished by imprisonment with work for a term not exceeding one year or to a fine not exceeding one million yen, if he or she:

- (i) Has violated the provisions of Article 5
- (ii) Has violated an order in accordance with the provisions of Article 7 (excluding those pertaining to the maintenance of records pursuant to the provisions of Article 3 paragraph (2))

Article 35 Any person shall be punished by a fine not exceeding one million yen, if he or she:

- (i) Has violated an order in accordance with the provisions of Article 7 (excluding those pertaining to the maintenance of records pursuant to the provisions of Article 3 paragraph (2))
- (ii) Has failed to submit a report in accordance with the provisions of Article 28 paragraph (1) or (2), or submitted a false report, or has refused, hindered or evaded the inspection in accordance with the provisions of these same paragraphs

Article 36 Any person shall be punished by a fine not exceeding three hundred thousand yen, if he or she:

- (i) Has failed to submit a notification or submitted a false notification in accordance with the provisions of Article 21
- (ii) Has failed to make entries or made false entries, or failed to maintain records in violation of the provisions of Article 26
- (iii) Has failed to submit a report in accordance with the provisions of Article 28 paragraph (2), or submitted a false report, or has refused, hindered or evaded the inspection in accordance with the provisions of the same paragraph

Article 37 When any representative of a juridical person, or any agent, any employee or other staff of a juridical person or an individual has committed an act of violation of the provisions listed in the following items with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by payment of the fine prescribed in the respective items for juridical persons and payment of the fine prescribed in the respective articles for persons.

- (i) Article 34 A fine not exceeding thirty million yen
- (ii) Article 33, Article 35 or Article 34 The fine in the respective articles

Article 38 Any person who has failed to retain financial statements, etc., has failed to enter the matters to be entered in financial statements, etc. or has made false entries in violation of the provisions of Article 22 paragraph (1), or has refused without justifiable reason a request under paragraph (2) of the same Article shall be punished by a non-penal fine not exceeding two hundred thousand yen.

#### Supplementary Provisions

(Effective Date)

- (1) This Act shall come into force as from the day specified in the applicable cabinet order within six months calculating from the day of promulgation.

(Review)

- (2) The government shall, within three years calculating from the enforcement of this Act, after taking into account circumstances including the level of technologies pertaining to telecommunications, and considering the progress of implementation of this Act, take necessary measures based upon the results thereof.

#### Supplementary Provisions (Act No. 125 of July 24, 2003) Excerpts

(Effective Date)

Article 1 This Act shall come into force as from the day specified in the applicable cabinet order within nine months calculating from the day of promulgation. However, the provisions listed in the following items shall come into force as from the day specified respectively in those items.

- (i) and (ii) (Omitted)
- (iii) The provisions of Article 2, the revised provisions of Article 11 paragraph 2 of the Companies Act in Article 3, and the provisions of Article 6 through Article 15 of the Supplementary Provisions, Article 21 through Article 31 of the Supplementary Provisions, Article 34 through Article 41 of the Supplementary Provisions and Article 44 through Article 48 of the Supplementary Provisions, shall come into force from the day specified in the applicable cabinet order within one year calculating from the day of promulgation

#### Supplementary Provisions (Act No. 46 of May 20, 2005)

(Effective Date)

Article 1 This Act shall come into force as from the day specified in the applicable cabinet order

within six months calculating from the day of promulgation. However, the provisions of the following article and Article 6 of the Supplementary Provisions shall come into force from the day of promulgation.

(Transitional Measures)

Article 2 A person who wants to be registered under Article 14 paragraph (1) of the Act on Regulation of Transmission of Specified Electronic Mail following its amendment based on this Act (hereinafter referred to as the “New Act”) may, even before the enforcement of this Act, apply for the registration. The same shall apply to the notification of administrative rules in accordance with the provisions of Article 14 paragraph (1) of the New Act.

Article 3 Any person who is being actually designated upon the enforcement of this Act under Article 13 paragraph (1) of the Act on Regulation of Transmission of Specified Electronic Mail before the amendment by this Act (referred to as the “Old Act” in the following article), until the day when six months has elapsed calculating from the day of enforcement of this Act, shall be deemed as being registered under Article 14 paragraph (1) of the New Act.

Article 4 In addition to what is provided for in the preceding article, acts committed prior to the enforcement of this Act, including disposition and procedures, based on the provisions of the Old Act (including orders based on the Old Act), that fall under the provisions in the New Act equivalent to those in the Old Act, shall be deemed as being acts committed, including disposition and procedures, based on the provisions of the New Act.

(Transitional Measures Concerning the Penal Provisions)

Article 5 With respect to the application of the Penal Provisions to any act committed before the enforcement of this Act, the provisions then in force shall still apply.

(Delegation to Cabinet Orders)

Article 6 In addition to the transitional measures specified under Article 2 through the preceding article of the Supplementary Provisions, other transitional measures necessary for the enforcement of this Act (including transitional measures concerning the Penal Provisions) shall be specified in the applicable cabinet order.

(Review)

Article 7 The government shall, within three years calculating from the day of enforcement of this Act, after taking into account circumstances including the level of technologies pertaining to telecommunications, and considering the progress of implementation of this Act, take necessary measures based upon the results thereof.

Supplementary Provisions (Act No. 87 of July 26, 2005) (Excerpts)

This Act shall come into force as from the effective date of the Companies Act.

Supplementary Provisions (Act No. 50 of June 2, 2006) (Excerpts)

(Effective Date)

- (i) This Act shall come into force as from the effective date of the Act on General Incorporated Associations and General Incorporated Foundations.

(Adjustment Provisions)

- (ii) When the day of enforcement of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information Processing (Act No. xxx of 2006) is after the effective date, for application of the provisions in item (Ixii) of the Attachment to the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters of the Patent Law (Law No. 136 of 1999; referred to in the following paragraph as the “Organized Crime Punishment Act”) during the period from the effective date until the day before the day of enforcement, the term “Offense under Article 157 (Breach of Trust by Directors etc.) of the Chukan Hojin Law (Act No. 49 of 2001)” in the same item shall read “Offense under Article 334 (Breach of Trust by Directors etc.) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006)”.
- (iii) In addition to what is provided for in the preceding paragraph, for applications of the provisions of the Organized Crime Punishment Act during the period until the day before the day of enforcement of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information Processing in situations under the same paragraph, an offense under Article 157 (Breach of Trust by Directors etc.) of the former Chukan Hojin Law when regarded as the result of an even earlier example based on the provisions of Article 457 shall be deemed as an offense listed in item (Ixii) of the Attachment to the Organized Crime Punishment Act.

Supplementary Provisions (Act No. 54 of June 6, 2008)

(Effective Date)

- Article 1 This Act shall come into force as from the day specified in the applicable cabinet order within six months calculating from the day of promulgation. However, the provisions of Article 5 of the Supplementary Provisions shall come into force from the day of promulgation.

(Transitional Measures Concerning Consent for Transmission, etc. of Specified Electronic Mail etc.)

- Article 2 A person who has already notified his or her request to send or consent to send Specified Electronic Mail (meaning Specified Electronic Mail as provided in Article 2 item (ii) of the Act on Regulation of the Transmission of Specified Electronic Mail after amendment based on this Act (hereafter referred to in this article and the following article as the “New Act”); hereinafter in this article the same shall apply) to a sender (meaning a sender provided for in Article 2 item (ii) of the New Act; hereinafter in this article the same shall apply) or consignor of transmission (meaning a consignor of transmission provided for in Article 3 paragraph 1 item (i) of the New Act; hereinafter in this article the same shall apply) when this Act is enforced shall be deemed a person listed in Article 3 paragraph (1) item (i) of the New Act.
- (2) A person who has already notified a sender or consignor of transmission of his or her Electronic Mail address (meaning an Electronic Mail address as provided for in Article 2 item (iii) of the New Act) when this Act is enforced shall be deemed a person listed in Article 3 paragraph (1) item (ii) of

the New Act.

- (3) Notifications to request that Specified Electronic Mail not be sent that have already been made to a sender or consignor of transmission when this Act is enforced (in cases where requesting said sender not to send Specified Electronic Mails pertaining to given matters, of the request) shall be deemed notifications as provided for in Article 3 paragraph (3) of the New Act.

(Transitional Measures Concerning Administrative Orders)

Article 3 Orders based on the provisions of Article 7 of the Act on Regulation of the Transmission of Specified Electronic Mail before amendment by this Act (hereinafter referred to as the “Old Act” in this article) that were issued before enforcement of this Act (limited to those pertaining to the provisions of the Old Act that have corresponding provisions in the New Act) shall be deemed as orders issued based on the provisions of Article 7 of the New Act.

(Transitional Measures Concerning the Penal Provisions)

Article 4 With respect to the application of the Penal Provisions to any act committed before the enforcement of this Act, the provisions then in force shall still apply.

(Delegation to Cabinet Orders)

Article 5 In addition to the transitional measures specified under the preceding three articles, other transitional measures necessary for enforcement of this Act (including transitional measures concerning the Penal Provisions) shall be specified in the applicable cabinet order.

(Review)

Article 6 The government shall, within three years calculating from the day of enforcement of this Act, after taking into account circumstances including the level of technologies pertaining to telecommunications, and considering the progress of implementation of this Act, take necessary measures based upon the results thereof.

Supplemental Provisions (Act No. xx of MM dd, 2009) (Excerpts)

(Effective Date)

Article 1 This Act shall come into force as from the effective date of the Consumer Affairs Agency and Consumer Commission Establishment Act (Act No. xx of 2009). However, the provisions listed in the following items shall come into force as from the day specified in those items.

- (i) The provisions of Article 13 of the Supplementary Provisions shall come into force from the day of promulgation of this Act or the day of promulgation of the Act Concerning Revisions of Related Acts in Conjunction with Enforcement of the Administrative Appeal Act (Act No. xx of 2009), whichever day is later
- (ii) The provisions of Article 14 of the Supplementary Provisions shall come into force from the day of promulgation of this Act or the day of promulgation of the Act Concerning Revisions of Related Acts as a Result of the Enforcement of the General Rule Act for Independent Administrative Corporations (Act No. xx of 2009), whichever day is later

(Transitional Measures Concerning Disposition etc.)

Article 4 Licenses, permissions, authorizations, approvals, specifications, other dispositions and

notifications and other acts given pursuant to the various provisions of the Act before amendment by this Act before enforcement of this Act (including orders based on these; hereinafter referred to as “the old acts and regulations”), in addition to what is otherwise provided for in acts and regulations, shall be deemed as licenses, permissions, authorizations, approvals, specifications, other dispositions and notifications and other acts given pursuant to the various corresponding provisions of the Act following amendment by this Act after enforcement of this Act (including orders based on these; hereinafter referred to as “the new acts and regulations”).

- (2) License applications, notifications and other acts that have already been made pursuant to the provisions of the old acts and regulations when this Act is enforced, in addition to what is otherwise provided for in acts and regulations, shall be deemed as license applications, notifications and other acts that have been made pursuant to the provisions of the new acts and regulations after amendment by this Act.
- (3) For matters that require reports, notifications, submissions and other procedures pursuant to the provisions of the old acts and regulations before enforcement of this Act and for which the procedures has not been completed before the effective date of this Act, in addition to what is otherwise provided for in acts and regulations, following enforcement of this Act such matters shall be deemed as matters for which the procedures pursuant to the corresponding provisions of the new acts and regulations have not been completed, and the provisions of the new acts and regulations shall apply.