

Application of Penal Provisions of Japanese Act on Regulation of the Transmission of Specified Electronic Mail

Violation of Prohibition of Transmission under False Sender information

Year	The numbers of punishments
2006	2
2007	1
2008	1
2011	1
2013	1

Violation of Administrative Order

Year	The numbers of punishments
2014	2

○Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of April 17, 2002)

Article 5 (Prohibition of Transmission under False Sender Information)

Any sender shall not send Electronic Mails, as a means of advertisement for their own or other's sales activities, 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

Article 7 (Administrative Order)

Where the Minister for Internal Affairs and Communications (hereinafter, the Minister) and the Prime Minister (or the Minister in the case of the transmission of Electronic Mails to Fictitious Electronic Mail Addresses) deems that with respect to the 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 and the Prime Minister deems that a sender has sent Electronic Mails using false sender information or Electronic Mails to Fictitious Electronic Mail Addresses, and when the Minister and the Prime Minister deems that it is necessary to prevent the occurrence of disturbances upon transmission and reception of Electronic Mails, the Minister and the Prime Minister may order the said sender (or, in cases where the consignor of transmission related to these Electronic Mails has conducted part of the services related to the transmission of the said Electronic Mails, including receiving the notification under item (i) or item (ii) of Article 3 paragraph (1) regarding the transmission of the said Electronic Mails, maintaining the record under paragraph (2) of the same article and others, and when it is deemed that there is a cause attributable to the said consignor related to the transmission of the said Electronic Mails, the said sender and the said consignor of transmission) to take necessary measures to improve the methods for Electronic Mail transmission.

Article 34

Any person shall be guilty of an offense and liable to imprisonment with labor for a term not exceeding one year or to a fine not exceeding one million yen in the following cases:

- (i) If he or she has violated the provisions of Article 5
- (ii) If he or she has violated the order in accordance with the provisions of Article 7 (except those relating to the maintenance of records pursuant to the provisions of Article 3 paragraph (2))

Article 35

Any person shall be guilty of an offense and liable to a fine not exceeding one million yen in the following cases:

- (i) If he or she has violated the order pursuant to the provisions of Article 7 (limited to those relating to the maintenance of records pursuant to the provisions of Article 3 paragraph (2))
- (ii) If he or she has failed to submit a report pursuant to the provisions of Article 28 paragraph (1), has submitted a false report, or has refused, hindered or evaded the inspection pursuant to the provisions of the same paragraph