

Provider Liability Limitation Act
Guidelines Relating to Copyright

May 2002

(Partial revision of November 2003)

Provider Liability Limitation Act Guidelines Review Council
Copyright-related Work Group

Provider Liability Limitation Act Guidelines Relating to Copyright

Contents

| | | |
|-----|--|---|
| I | Introduction – Purpose of the Guidelines | 1 |
| 1 | Objectives of the Guidelines | 1 |
| 2 | Status of the Guidelines | 1 |
| 3 | Revision | 2 |
| II | Scope of Application of the Guidelines | 3 |
| 1 | Actors of Notices | 3 |
| 2 | Scope of Covered Copyright, etc., Infringement | 3 |
| 3 | Scope of Covered Works, etc. | 4 |
| 4 | Modes of Covered Infringements of Rights | 4 |
| III | Procedure, etc., of Notices | 5 |
| 1 | Procedures by the Copyright Holder, etc., at the Time of Notice (Written Forms, etc.) | 5 |
| 2 | Procedures by the Provider, etc., at the Time of Receiving a Notice (Verification Items, Etc.) | 6 |

| | | |
|-----|---|----|
| IV | Notice Verification Items and Methods thereof | 7 |
| 1 | Identity, etc., of Notice Actors | 7 |
| (1) | Cases of Notice in Writing | 7 |
| (2) | Cases of Notice by Electronic Mail, etc. | 7 |
| 2 | Verification of Being the Copyright Holder, etc. | 8 |
| 3 | Specification of Infringing Information | 9 |
| 4 | Verification of Being Copyright, etc. Infringement | 9 |
| (1) | Verification of Existence of Copyright, etc. Infringement Covered by the Guidelines | 9 |
| (2) | Verification of Being within the Term of Protection of Copyright, etc. | 10 |
| (3) | Verification of Rights Not Having Been Granted | 10 |
| V | Notice through a Reliability Verification Organization | 11 |
| 1 | Criteria, Scope, etc., of Reliability Verification Organizations | 11 |
| (1) | Reliability Verification Organizations | 11 |
| (2) | Explanations, etc. of Reliability Verification Organizations | 12 |
| (3) | Copyright, etc., Management Service Providers- | 12 |
| (4) | Certification of Reliability Verification Organizations | 12 |
| (5) | Other | 12 |
| 2 | Verification by Reliability Verification Organizations | 13 |
| (1) | Verification of the Identity of the Notice Submitter (Items of IV 1) | 13 |
| (2) | Verification That the Notice Submitter is the Copyright Holder, etc. (Items of IV 2) | 13 |
| (3) | Verification of Being Infringement of Copyright, etc. (Items of IV 4) | 14 |
| 3 | Response in Cases where Error, etc., has Occurred in the Verification Procedures of the Reliability Verification Organization | 14 |
| VI | Response by Providers, etc. | 16 |
| 1 | Cases where the Notice and Verification Satisfy the Requirements of these Guidelines | 16 |
| 2 | Cases where the Notice and Verification Fail to Satisfy the Requirements of these Guidelines | 16 |
| | Concerning Notice for Measures to Prevent Transmission of a Work, etc. (Form A) | 17 |
| | Concerning Notice for Measures to Prevent Transmission of a Work, etc. (Form B) | 19 |

p.1-2

I Introduction – Purpose of the Guidelines

1. Objectives of the Guidelines

In cases of infringement of others' rights by information distribution through the Internet, the interests of the three parties i.e. information sender, right holder, and specified telecommunications service provider (administrator or operator of a server or administrator or operator of an electronic bulletin board, etc.; hereinafter referred to as "provider, etc.") are intertwined, and on occasion, cases exists where response by the provider, etc. with respect to the information distribution is difficult. Amid this, the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001; hereinafter referred to as "Provider Liability Limitation Act" or simply "Act") was enacted in November 2001, containing provisions relating to limitation of the civil liability of providers, etc., and to sender, etc., information disclosure demands of persons alleging infringement of rights by distribution of information.

In relation to the distribution of information that infringes copyright and neighboring rights (hereinafter referred to as "copyright, etc.") by a specified telecommunications service (referring to the "specified telecommunications service" of article 2 item (i) of the Act; the same shall apply hereinafter), these guidelines clarify the standard of behavior of the copyright holder, etc., and the provider, etc., based on the purpose of article 3 of the Provider Liability Limitation Act, which provides for cases where the provider, etc., does not incur liability, while giving consideration to the standpoints, etc., in which the information sender, the copyright holder, etc., and the provider, etc., are respectively placed. Through this, its objective is to increase the foreseeability of parties concerned and to promote prompt and appropriate response by the provider, etc., with respect to distribution of information by a specified telecommunications service that infringes copyright, etc., and thereby promote smooth and sound use of the Internet.

In cases where distribution of information that infringes copyright, etc., has been committed, it is characteristic that there are cases in which prompt response is demanded, such as when expansion of damage becomes enormous, cases in which a somewhat stereotyped determination is possible, and so on. In view of such characteristics, these guidelines are structured with the objective of clarifying cases within the possible scope at the present stage in which taking transmission prevention measures such as prompt deletion is possible even when not the case that the provider, etc., contacted the sender and no objection was received within seven days (article 3 paragraph (2) item (ii) of the Act), and along with this, in responding to a particular case, to make possible prompt and appropriate response when formal determination is made as to whether the guideline have been followed, instead of the provider, etc., making a determination according to particular circumstances.

2. Status of the Guidelines

Whether rights were actually infringed by the distribution of information, and as a result, whether the provider, etc., incurs liability by mistakenly deleting information or allowing it to stand, will ultimately be decided in the court. Consequently, in individual cases, even when response conforming to drafted guidelines has been conducted, no determination based solely thereon is made even by the court that a "reasonable ground" in article 3 of the Act exists, but in cases where the content of guidelines and the procedure of their drafting have grounds securing their reliability, and the copyright holder, etc., and provider, etc., respond appropriately in keeping with the high-reliability guidelines, it is expected that the "reasonable ground" of article 3 will then be determined even by a court to exist, and the provider, etc., will be deemed to incur no liability. From such a standpoint, these guidelines do not just simply describe notification procedures and matters ancillary thereto, but are intended to describe the way of thinking behind them as well.

Further, similarly to the way of thinking of the Provider Liability Limitation Act, these guidelines clarify, within the possible scope, the responses which providers, etc., are thought to be able to make without incurring liability, and do not set forth the obligations of providers, etc. However, in cases where a provider, etc., has conducted handling in accordance with at least these guidelines, it is expected that the provider, etc., will be determined to incur no liability in court decision proceedings as well, and so on the occasion of voluntary response by the provider, etc., the

handling in these guidelines is thought to be an important guideline, and it is expected that providers, etc., will ordinarily make responses in line with these guidelines.

These guidelines also exert no influence with respect to any cases other than those specified by these guidelines, and even in cases that are not specified in these guidelines or that do not satisfy the requirements set forth these guidelines, cases may exist that are applicable to the "reasonable ground" in article 3 of the Provider Liability Limitation Act.

Additionally, these guidelines have been drafted by persons who are participating in this council, but after all, the Internet is open, and because civil liability relating to information distribution on the Internet does not become an issue solely between participants in this council, it is expected that these guidelines will also be utilized by persons other than the participants of this council.

3 Revision

For these guidelines, appropriate revision according to advances in information and communications technology, the status of practices, and the like is thought to be necessary. Accordingly, even after the establishment of these guidelines, examination by this council is to be continued, and improvement and expansion of the guidelines will be conducted.

p.3

II Scope of Application of the Guidelines

1 Actors of Notices

The actor that can exercise a right is the right holder, and if a notice from the right holder exists, appropriately determining whether infringement of copyright, etc., exists becomes possible, and so in these guidelines as well, the actor of the notice is the right holder. Specifically, these are as follows.

(1) The person issuing a notice of transmission prevention measures shall be the principal alleging infringement of copyright, etc., or an attorney or other agent.

(2) In cases where copyright, etc., is transferred between copyright holders, etc., and a trust contract is entered into with the objective of compelling management of permission for use of the work and other relevant copyrights, etc. (trust-managed type), the copyright, etc., management

service provider (referring to the "copyright, etc., management service provider" in article 2 item (iii) of the Act on Copyright, Etc., Management Service [Act No. 131 of 2000]) shall be able to issue notices within the scope recognized in the contract, etc.

(3) With respect to works of joint authorship, etc., even one of the joint copyright holders, etc. shall be able to issue notices.

- The provisions of article 3 paragraph (2) item (i) of the Act differ from item (ii) in also supposing cases arising from notice, etc., by a third party, without being limited to cases of notice from a person claiming infringement of a right in a case where "there was a reasonable ground," but in such cases, because cases where it would be difficult to confirm even circumstances known only to the right holder (existence of right permissions, etc.) are thought to be numerous, at present, these guidelines do not cover cases of notice from a third party.

- With respect to disposition relating to a person receiving an exclusive license from the copyright holder, etc., through a contract, particular circumstances determination within the particular instance is appropriate, but in such cases, material proving the receipt of the exclusive license becomes necessary.

2 Scope of Covered Copyright, Etc., Infringement

These guidelines cover cases where copyright, etc. is infringed through the distribution of information by a specified telecommunications service.

For reference: Major examples of covered infringement of copyright, etc.

(1) Acts which infringe rights of reproduction (recording) (articles 21, 91, 96, 98, and 100-2 of the Copyright Act)

(2) Acts which infringe rights of public transmission (article 23 of the Copyright Act)

(3) Acts which infringe rights to make transmittable (article 92(2) and article 96(2) of the Copyright Act)

p.4

- Items (1) to (3) are only illustrative examples of infringement of copyright, etc., and these guidelines can apply also to infringements other than these.

3 Scope of Covered Works, etc.

Covered works includes are performances, phonograms, broadcasts, wire-broadcasts (hereinafter referred to as "works, etc.") the copyright of which is infringed or having a possibility of infringement through distribution of information by a specified telecommunications service.

4 Modes of Covered Infringements of Rights

Since transmission prevention measures for information by providers, etc., are a direct restriction on the expressive acts of the sender, it is desirable that those that can easily be determined to be infringement of rights shall be covered, so that, where possible, inappropriate measures are not taken, and the same is also required for the purpose of security for the reliability of guidelines.

Accordingly, the modes of infringement of copyright, etc., are categorized under (1) and (2) below, the modes in the respective categories are enumerated, and items falling under these categories are covered by these guidelines. Additionally, modes of infringement of rights not enumerated at this time also shall be added as required in cases where agreement is obtained through ongoing deliberation of this council, taking into account the status, etc., of practices.

- (1) Modes which can easily be determined to be infringement of copyright, etc.
 - a) Those which the sender of the information admits to be infringement of copyright, etc.;
 - b) Files which have copied verbatim all or part of a work, etc. (those other than a) in which the work, etc., and the infringing information can easily be compared);
 - c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible);
- (2) Modes which can be determined to be infringement of copyright, etc., by expending effort, such as utilizing specific technology, individually viewing or listening, etc., and comparing against the work, etc., or the like-
 - a) Files which have copied verbatim all or part of a work, etc. (those other than (1) a) and b) in which confirmation is possible by viewing or listening to and comparing the work, etc., and the infringing information, or by comparing using specialized methods);
 - b) Those in which (1) b) or a) has been compressed, excluding those which fall under (1) c);
 - c) Those in which a) or b) has been divided.

p.5

III Procedure, etc., of Notices

1 Procedures by the Copyright Holder, etc., at the Time of Notice (Written Forms, etc.)

(1) Notice procedures in accordance with these guidelines shall be conducted according to the following processes-

a) A person alleging that his or her own copyright, etc., was infringed by distribution of information by a specified telecommunications service, when requesting that the provider, etc., concerned prevent distribution of information infringing the relevant copyright, etc., shall enter the required items on a notice form (form A; that in the case of a copyright, etc., management service provider and satisfying the requirements of V 1 (1) is form B) and submit the notice form and other necessary documents to the provider, etc.

b) With respect to a work, etc., relating to the infringement of the relevant copyright, etc., in a case where there is a reliability verification organization as defined below in a specific relationship with the notice sender the notice submitter can enter the required items on a notice form (form C) and submit the notice form and other necessary documents through the reliability verification organization. In such cases, the reliability verification organization shall conduct appropriate verification in accordance with V 2 with respect to the entered particulars, etc., of the notice form, draft a verification form (form D) to the effect that the verification was performed, and submit it together with the notice form to the provider, etc.

(2) As a general rule, notice procedures shall be conducted in writing. However, since there are cases where prompt transmission prevention measures is demanded, in such cases, notice by means of electronic mail, facsimile, or other electromagnetic means as required shall be permitted. Cases where notice by means of electronic mail, facsimile, etc., is permitted are the following-

a) Cases where a certain ongoing relationship of mutual trust between the provider, etc., and the notice submitter is recognized, such as in cases of ongoing exchange, and wherein further the notice submitter, etc., after notice by means of electronic mail, facsimile, etc., promptly submits in writing a notice form of identical content as the notice by means of electronic mail, facsimile, etc.

b) In cases where the provider, etc., and notice submitter, etc., have both priorly agreed, cases of taking the measure of an official electronic signature or an electronic signature certified by an accredited certification business operator of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000; hereinafter referred to as the "Electronic Signatures Act") in the electronic mail making notice, and wherein further an electronic certificate pertaining to the electronic signature is attached to the electronic mail.

- Since in cases of notice by electronic mail, facsimile, or other such electromagnetic means, it is necessary to leave a record of notice having been made and of its content, notice by telephone is not recognized.

p.6

2 Procedures by the Provider, etc. at the Time of Receiving a Notice (Verification Items, etc.)

(1) The provider, etc., which has received the notice form (and verification form) in 1 above, shall, with respect to the notice form, etc., verify that for each item described in chapter IV of these guidelines, the required items are entered, the required documents are attached, and the entered contents are appropriate.

(2) The provider, etc., shall, after verifying the contents of the notice, carry out response as in chapter VI of these guidelines.

p.7-8

IV Notice Verification Items and Methods thereof

1 Identity, etc., of Notice Actors

In cases of submission in accordance with these guidelines, the provider, etc., is to take smooth and prompt transmission prevention measures against the information. On the other hand, this may even create detriment for the sender, and in some cases, it is conceivable that a lawsuit could be

instituted. Consequently, verifying who has made the notice and that the notice was made by said person is necessary, and requesting submission of documents, etc., from the notice submitter for verification is necessary.

(1) Cases of Notice in Writing

Verification of the identity of the notice submitter is by any of the following methods-

a) In cases where the notice submitter makes notice directly to the provider, etc., the notice submitter shall affix name and seal (in cases where the notice submitter is a juridical person, affix the name of the juridical person's representative [including a person who has been assigned authority from a representative] and affix a seal employing an official seal or a seal which the representative uses in routine duties [hereinafter referred to as "official seal, etc."] to the notice form, together with attaching material that allows certification of identity, such as a copy of a driver's license, passport, or other such official certificate. The provider, etc., shall verify identity by means of the attached materials, etc. Additionally, in cases where there is a certain continuing relationship of mutual trust between the provider, etc., and the notice submitter is recognized, such as in cases of ongoing exchange, attachment of material allowing certification of identity can be omitted.

In cases where the notice submitter is a juridical person, and wherein further the existence of the juridical person is thought to be easily recognized under ordinary circumstances, such as a case of being a company that publicly offers stock or is listed, the provider, etc., may be deemed to have appropriately verified identity even when no material allowing certification of identity is attached.

b) In cases where a copyright, etc., management service provider (a copyright, etc., management service provider of trust-managed type, restricted to those satisfying the requirements of V 1 (7); hereinafter the same shall apply in this chapter [IV]) makes notice, the copyright, etc., management service provider shall enter its management service registration number on the notice form, together with affixing the name of the representative and affixing a seal utilizing an official seal, etc., and the provider, etc., shall verify identity thereby.

c) For notices from persons staying, a signature can substitute for name and seal.

(2) Cases of Notice by Electronic Mail, etc.

In cases of notice by electronic mail, etc., identity is verified by the following methods-

a) In the case of III 1 (2) a), identity shall be determined to have been appropriately verified by means of the notice submitter or copyright, etc., management service provider making indication

in electronic mail, etc., of being the principal.

b) In cases where the provider, etc., and notice submitter, etc., have both priorly agreed, in cases of taking the measure of an official electronic signature or an electronic signature certified by an accredited certification business operator of the Electronic Signatures Act in the electronic mail making notice, when an electronic certificate pertaining to the electronic signature is attached to the electronic mail, the provider, etc., shall verify identity by the electronic signature and electronic certificate.

2 Verification of Being the Copyright Holder, etc.

Next, it is necessary to verify that the person that has made notice is the copyright holder, etc. (that the relevant person holds the copyright, etc.). In Japan, registration, etc., of copyright, etc., is not deemed obligatory, and so strictly certifying this can even be considered difficult, but it is necessary that evidence be presented such that in the judgment of a reasonable person, the notice submitter can be determined to hold the copyright, etc.

Accordingly, in the notice, evidence such as the following shall be presented, and in the case of a), the provider, etc., shall verify thereby that the notice submitter is the copyright holder, etc., and in the case of b), it shall be deemed that the notice submitter has been appropriately determined thereby to be the copyright holder, etc. Additionally, for a) below, other appropriate items that subsequently appear shall be added as required.

a) Cases where the notice submitter makes notice directly to the provider, etc.

1) In cases where registration based on copyright law (including that which is overseas) relating to the work, etc., has been made, documentation proving that the registration has been made.

2) In cases where the name, etc., of the copyright holder, etc., has been indicated in the publication, sale, etc., of the work, etc., a copy thereof (Refer to article 14 of the Copyright Act, article 15 of the Berne Convention for the Protection of Literary and Artistic Works, and article 3 paragraph (2) of the Universal Copyright Convention.).

3) In cases where materials exist which are products, catalogs, etc., generally made available prior to the notice that show the notice submitter to be the copyright holder, a copy of the materials.

4) In cases where an appropriately administered database is available which allows inquiry into the relationship between the work, etc., and the copyright holder, etc., documentation proving

that the matter is recorded in the database.

5) Documentation proving that the notice submitter is the original author with respect to a derivative work, such as the portions of contracts, confirmation notes, and other such documents concluded between the author of the original work and the author of the derivative work relating to adaptation and the relationship of rights that are necessary for verification of the relationship of rights.

b) Cases where a copyright, etc., management service provider makes notice
The copyright, etc., management service conducts verification in accordance with V 2 (2) of these guidelines that the work, etc., is one managed by the organization, and states this on the notice form.

p.9

3 Specification of Infringing Information

The distributed amount of information on the Internet is enormous, and even when notice has been made that distribution of information alleged to have infringed rights has occurred, often the description is imprecise and the provider, etc., cannot know what information is actually taken to be at issue. (Because of such circumstances, it is specified in article 3 paragraph (1) item (ii) of the Act that when the provider, etc., had no knowledge of distribution of information alleged to have infringed rights, liability with respect to the right holder is limited.) This is why, from the standpoint of encouraging appropriate and prompt response by the provider, etc., in cases of a notice from a person alleging that rights have been infringed, it is necessary that the information alleged to have infringed rights be specified.

Accordingly, the notice submitter shall specify the infringing information by the following methods when making notice-

(1) With respect to information in questions, the notice submitter shall record in the notice form its URL (Universal Resource Locator) and information reasonably sufficient for specifying the information in question as seen by the provider, etc. (file name, data size, characteristics, etc.).

(2) The notice submitter shall, in cases where possible, make illustrations, etc., in a hard copy of the information in question.

(3) In cases where a provider, etc., that has received a notice cannot accomplish specification

using only the stated information, when additional information for correcting the notice form has been requested, the information requested by the provider, etc., shall be presented.

(4) In cases where the notice submitter fails to perform correction promptly, the provider, etc., shall communicate to the notice submitter that taking transmission prevention measures is difficult because of the inadequacy of the documents.

4 Verification of Being Copyright, etc. Infringement

Even when a notice identifying infringing information has been made from a person holding copyright, etc., for the provider, etc., to take transmission prevention measures on the basis that infringement of rights has occurred, it is necessary to be able to determine that copyright, etc., definitely was infringed by the distribution of information.

For this reason, it is necessary that the following content be indicated in the notice, and the provider, etc., shall verify whether it is recorded on the notice form.

(1) Verification of Existence of Copyright, etc. Infringement Covered by the Guidelines

1) Verification of the right alleged to have been infringed

The notice submitter shall record on the notice form the right alleged to have been infringed.

2) Verification of the work, etc., alleged to have been infringed

The notice submitter shall record on the notice form the necessary information for identifying the work, etc., alleged to have been infringed by the infringing information.

p.10

3) Verification of being a mode of covered infringements of rights

a) In cases where the notice submitter makes notice directly to the provider, etc., the notice submitter shall record on the notice form the reason for alleging that copyright, etc., was infringed, the mode of said infringements of rights, and a method for verifying that infringement of rights occurred. On a basis of this information, etc., the provider, etc., shall verify that the mode of said infringement of rights is a "mode which can easily be determined to be infringement of copyright, etc." covered in these guidelines (II 4 (1)), and also that the infringement of rights occurred.

b) In cases where a copyright, etc., management service performs notice, the copyright, etc., management service verify the matter to be a covered infringement of rights in accordance with V 2

(3) of these guidelines and record this and the verification method on the notice form. Based on the foregoing being recorded on the notice form, the provider, etc., shall determine whether verification was made appropriately.

(2) Verification of Being within the Term of Protection of Copyright, Etc.

In cases where circumstances exist that suggest that the term of protection of copyright, etc., has expired, the provider, etc., can request the notice submitter to provide substantiating evidence of being within the term of protection.

(3) Verification of Rights Not Having Been Granted

The notice submitter shall record on the notice form a statement that rights have not been granted to the sender of the information. The provider, etc., shall verify what is recorded in the statement.

p.11

V Notice through a Reliability Verification Organization

1 Criteria, Scope, etc., of Reliability Verification Organizations

In notices according to these guidelines, in cases where another credible third party verifies particular evidence by specified credible procedures, without the notice submitter being compelled to present it, verification of the identity, etc., of the notice submitter can be considered, when viewed from a social standpoint as well, to have been accomplished.

Specifically, in cases where an organization in a specific relationship to the notice submitter which satisfies the criteria provided for in 1 (1) of this chapter (hereinafter referred to as a "reliability verification organization"), acting on behalf of the provider, etc., verifies the matters in IV 1, 2, and 4 (identity verification, verification of being the copyright holder, etc., and verification of being copyright, etc., infringement) in accordance with the procedures in 2 of this chapter and attaches documentation, etc., to the notice form that this verification was done, it is considered that the provider, etc., can be determined to have been appropriately verified by verifying the documentation, etc.

(1) Reliability Verification Organizations

It is necessary that reliability verification organizations be capable of appropriately verifying the matters in IV 1, 2, and 4 (identity verification, verification of being the copyright holder, etc., and verification of being copyright, etc., infringement) on behalf of the provider, etc. Accordingly, it is necessary that reliability verification organizations satisfy the following requirements-

- a) Be a juridical person (including organizations not having juridical personality in which having a representative is provided);
- b) Be capable of appropriately verifying the contents of the rights held by the notice submitter;
- c) Have an adequate record extending over a reasonable period and expert knowledge relating to copyright, etc.

Additionally, in cases where conducting verification for derivative work relating to the work of the notice submitter in a specified relationship with the organization, must also satisfy this with respect to the derivative work as well

- d) Be capable of appropriately conducting the verification, etc., provided for in 2 (1) to (3) in this chapter

Additionally, for notices relating to notice-covered works, etc., stated in 1) to 5), organizations respectively falling under 1) to 5) are among the organizations specifically postulated as those satisfying the requirements of a) to c) above, but such organizations are not limited to these, and in cases where they satisfy the requirements of a) to c) above, they are to be construed as falling under this. Further, in order to be a reliability verification organization, even an organization that falls under 1) to 5) must satisfy the requirements of a) to d).

- 1) Copyright, etc., management service provider

Notice-covered works, etc.: management-commissioned works, etc.

- 2) Organization designated by the Agency for Cultural Affairs pursuant to the Copyright Act
Notice-covered works, etc.: commercial phonograms or performances sound recorded thereon for which exercise of rights has been entrusted

p.12-15

- 3) Organization making protection of copyright, etc., rights its principal objective

Notice-covered works, etc.: works, etc. whose copyright, etc. is held by members, which are

covered by protection of copyright, etc., in the objective of the organization

4) Organization outside the country that falls under the organizations listed in 1) to 3)

Notice-covered works, etc.: (the same as organizations falling under the foregoing)

5) International organization with which organizations listed in 1) to 3) are affiliated

Notice-covered works, etc.: (the same as organizations falling under the foregoing)

(2) Explanations, etc. of Reliability Verification Organizations

When sending a verification form for the first time, a reliability verification organization shall notify individual providers, etc., regarding its own organization, procedures of verification, etc., with respect to verification items permitted of the organization by these guidelines, summaries of managed work, etc., and management methods therefor, and in cases where any change thereof has occurred, shall notify individual providers, etc., regarding the change as well.

Providers, etc., can request of the reliability verification organization an explanation of procedures of verification, etc., with respect to verification items permitted of the organization by these guidelines, summaries of managed work, etc., and management methods therefor.

(3) Copyright, etc., Management Service Providers

For copyright, etc., management services, notice-covered works, etc., are management-commissioned works, etc., but in cases where a trust contract transferring copyright, etc., and mandating management of permission of utilization of works, etc., and other such copyrights, etc., has been entered into (trust-managed type) between copyright holders, etc., notice shall be made thereby within the permitted scope of the contract, etc.

Herein, in cases where a copyright, etc., management service (trust-managed type) satisfying the criteria of (1) above conducts notice, it is considered that verification of the items in IV of these guidelines can be conducted on behalf of the provider in the same way as for a reliability verification organization. In such cases, because verification of the identity of the notice submitter is conducted by the provider, etc., by means of the methods stated in IV 1 of these guidelines, and so of the verification methods in 2 (1) to (3) of this chapter, (2) and (3) are covered.

(4) Certification of Reliability Verification Organizations

In the actual utilization of these guidelines, it is conceivable that a structure be formulated to conduct examination with respect to reliability verification organizations, and persons certified to fall under the requirements of (1) a) to d) uniformly be treated as reliability verification

organizations of these guidelines. At this time, to contribute to simple and prompt handling for providers, etc., a reliability verification organization list shall be attached to these guidelines.

(5) Other

Even in cases of notice from copyright holders, etc., in cases where verification of being copyright infringement, etc., of the copyright holder, etc., can be believed sufficient for trusting, judging from response systems of the copyright holders, etc., expert knowledge and record relating to and copyright, etc., response, etc., at the time of previous notices at individual providers, etc., handling can be similar to cases where verification by an reliability verification organization exists.

2 Verification by Reliability Verification Organizations

For the items provided for in 1, 2, and 4 of IV (identity verification, verification of being the copyright holder, etc., and verification of being copyright, etc., infringement), the reliability verification organization shall respectively make verification by means of the methods of (1) to (3) hereinafter, and record on the verification form (form D) that the verification was conducted. On the documentation, the name of the representative of the reliability verification organization shall be mentioned and a seal shall be affixed using an official seal, etc. Through this, the provider, etc., shall determine that verification was conducted appropriately for each item.

(1) Verification of the Identity of the Notice Submitter (Items of IV 1)

Verification shall be done by the following methods-

1) Method of identity verification

Whether the notice submitter is the person who entrusted his or her own exercise of rights or whether he or she is his or her own member is verified by the name and seal on the notice form.

2) Handling of electronic mail

In cases by electronic mail bearing an official electronic signature or an electronic signature certified by an accredited certification business operator under the Electronic Signatures Act, verification is through inspection of the electronic signature.

In cases of being a member and an ongoing relationship has existed from previously, in cases where certain verification by an ordinarily used electronic mail address or the like is possible, verification is conducted by another appropriate method.

(2) Verification that the Notice Submitter is the Copyright Holder, etc. (Items of IV 2)

Verification shall be done by the following methods-

1) In cases where registration based on copyright law (including that which is overseas) relating to the work., etc., has been made, verification by documentation proving that registration has been made.

2) In cases where the name, etc., of the copyright holder, etc., has been indicated in the publication, sale, etc., of the work, etc., verification by a copy thereof. (Refer to article 14 of the Copyright Act, article 15 of the Berne Convention for the Protection of Literary and Artistic Works, and article 3 paragraph (2) of the Universal Copyright Convention.)

3) In cases where materials exist which are products, advertisements, catalogs, etc., generally made available prior to the notice that show the notice submitter to be the copyright holder, verification by the material or a copy thereof.

4) In cases where an appropriately administered database is available which allows inquiry into the relationship between the work, etc., and the copyright holder, etc., verification by documentation proving that the matter is recorded in the database.

5) Verification by having the notice submitter submit papers relating to he or she being the copyright holder, etc., and the reasons, etc., thereof, and conducting interviews, etc., based thereon

6) In cases where documentation exists proving that the notice submitter is the original author with respect to a derivative work, such as the portions of contracts, confirmation notes, and other such documents concluded into between the author of the original work and the author of the derivative work relating to adaptation and the relationship of rights that are necessary for verification of the relationship of rights, verification by the documentation.

7) Verification by another equivalent method

(3) Verification of Being Infringement of Copyright, etc. (Items of IV 4)

a) Verification of being within the term of protection of copyright, etc.

In cases where circumstances exist that suggest that the term of protection of copyright, etc., has expired, the provider, etc., the notice submitter shall be requested to provide substantiating evidence of being within the term of protection, and the reliability verification organization shall conduct verification thereby of being within the term of protection of copyright, etc.

b) Verification that right infringement exists

Verification shall be done by the following methods-

1) When the mode of right infringement is among the "modes which can easily be

determined to be infringement of copyright, etc." covered by these guidelines, the notice submitter enters on the notice form the reason for alleging that copyright, etc., has been infringed, the mode of the right infringement, and a method capable of verifying that right infringement occurred, and on the basis of this information, etc., the reliability verification organization verifies that right infringement exists, that the mode of right infringement is covered by these guidelines, and that copyrightability and ownability of rights are not already in dispute.

2) When the mode of right infringement is among the "modes which can be determined to be infringement of copyright, etc., by expending effort, such as utilizing specific technology, individually viewing or listening, etc., and comparing against the work, etc., or the like" covered by these guidelines, the notice submitter enters on the notice form the reason for alleging that copyright, etc., has been infringed and the mode of the right infringement, and on the basis of this information, etc., the reliability verification organization verifies that the mode of right infringement is covered by these guidelines, and that copyrightability and ownability of rights are not already in dispute, and also, by means of methods such as the following, verifies that right infringement exists.

i) The work, etc. and the information alleged to have infringed are viewed, heard, or executed, and an employee of the organization (including persons equivalent thereto) performs comparison, and verifies and records characteristics with respect to identity.

ii) The work, etc. and the information alleged to have infringed are mechanically compared using dedicated software, etc., and characteristics are verified and recorded with respect to identity.

iii) For nonreversibly compressed files, it is verified and recorded whether an identical file is generated by compressing the work, etc., by the same method.

3 Response in Cases where Error, etc., has Occurred in the Verification Procedures of the Reliability Verification Organization

With respect to notices purported to have been made by conducting the verification procedures specified in V of these guidelines, in cases where the reliability verification organization does not adhere to the verification procedures or an error has occurred in the verification procedures that causes trust therein to be lost, the reliability of the verification procedures by that reliability verification organization is lost. Accordingly, in these cases, until it can be verified that the reliability verification organization has improved the verification procedures, notice forms from that reliability verification organization shall not be treated as adhering to procedures pursuant to

these guidelines. Note, however, that regarding the treatment of that reliability verification organization, this shall not apply in cases where as a result of examination in the setup for performing examination in 1 (4) it has been verified that no risk of incorrect procedures being taken again and that applying these guidelines to the reliability verification organization hereafter is appropriate.

p.16

VI Response by Providers, etc.

1 Cases where the Notice and Verification Satisfy the Requirements of these Guidelines

(1) In cases where the notice satisfies the requirements of these guidelines, the provider, etc., shall promptly and within the limit necessary take measures of deletion, etc., in order to prevent transmission of the infringing information.

(2) Before taking or after taking transmission prevention measures, the provider, etc., can notify the sender of the information and notice submitter that transmission prevention measures for the infringing information will be taken or have been taken.

In cases where this notification is made, with respect to the notification to the notice submitter, in cases where notice was conducted through a reliability verification organization, the provider, etc., shall notify the reliability verification organization, and the reliability verification organization that has received the notification shall notify the notice submitter.

(3) With respect to taking or having taken transmission prevention measures, in cases where a complaint, inquiry, etc., from the sender has been made, the provider, etc., can request necessary cooperation of the notice submitter or reliability verification organization.

2 Cases where the Notice and Verification Fail to Satisfy the Requirements of these Guidelines

(1) In cases where a notice fails to satisfy the requirements of these guidelines, when

correction of the notice form, verification form, etc., is believed possible, the provider, etc., can request the notice submitter to resubmit or additionally submit necessary documents, etc.

In this case, the notice submitter can resubmit the notice form or additionally submit necessary documents, etc., in response to the request from the provider, etc.

(2) In cases where the provider, etc., requests resubmission or additional submission of necessary documents, etc., and where notice was conducted through a reliability verification organization, the provider, etc., shall contact the reliability verification organization, and the reliability verification organization that has received the contact shall contact the notice submitter or the like and resubmit the notice form or additionally submit necessary documents, etc.

(3) In cases where the notice submitter or the reliability verification organization fails to promptly perform correction, it is desirable that the provider, etc., communicate to the notice submitter that taking transmission prevention measures is difficult because of inadequate documents.

END

p.17

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

Name: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, etc.

Since distribution of the following information published at the URL [<http://www.abc.ne.jp/> (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act] held by [○○○○], as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," I request your company to take measures to prevent transmission of the work, etc., as follows.

1. Address of the notice submitter [Postal code - , ○○ Prefecture, ×× City, △△○-chome, ×-ban, △-go]

2. Name of the notice submitter [○○ ○○]

3. Contact information of the notice submitter

Telephone number [○○-○○○○-○○○○]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The work infringed by the infringing information is the work "□□□□," which I created. For reference, I am attaching a copy of the work. (*)]

6. Right claimed to have been infringed [Right of public transmission (including right to make transmittable) of article 23 of the Copyright Act]

7. Reason for claiming that copyright, etc. has been infringed

[I hold the right of public transmission (including right to make transmittable) provided for in article 23 of the Copyright Act pertaining to the work "□□□□."

I have given no permission whatsoever to △△△△ with respect to publicly transmitting (including making transmittable) the work "□□□□."

I have not transferred or entrusted to any person the authority to grant permission for publicly transmitting (including making transmittable) the work "□□□□."]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

■ a) Those which the sender of the information admits to be infringement of copyright, etc.

□ b) Files which have copied verbatim all or part of a work, etc. (those other than a) in which the work, etc., and the infringing information can easily be compared)

c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

9. Method able to verify right infringement

[It can be verified by the method of ○○ that right infringement has occurred.]

Of the foregoing content, documentary evidence is attached for items ○, ○, and ○.

Further, the foregoing content is affirmed to be factually correct.

END

Text box: (Form A)

p.18

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

Name: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, Etc.

Since distribution of the following information published at the URL [<http://www.abc.ne.jp/> (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act] held by [○○○○], as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," I request your company to take measures to prevent transmission of the work, etc., as follows-

1. Address of the notice submitter [Postal code - , ○○ Prefecture, ×× City, △△○-chome, ×-ban, △-go]
2. Name of the notice submitter [○○ ○○]
3. Contact information of the notice submitter

Telephone number [○○-○○○○-○○○○]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The infringing information "××××" is the work "☆☆☆☆," which ▽▽▽▽ adapted from "□□□□," which is a work I created. For reference, I am attaching a copy of the work. (*)]

6. Right claimed to have been infringed

[Right of public transmission (including right to make transmittable) of article 23 of the Copyright Act]

7. Reason for claiming that copyright, etc. has been infringed

[I hold the right of public transmission (including right to make transmittable) provided for in article 23 of the Copyright Act pertaining to the work "☆☆☆☆."

I have not transferred or consigned to any person the authority to grant permission for publicly transmitting (including making transmittable) of the work "☆☆☆☆."

I have not transferred or entrusted to any person the authority to grant permission for publicly transmitting (including making transmittable) the work "☆☆☆☆."]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

■ a) Those which the sender of the information admits to be infringement of copyright, etc.

□ b) Files which have copied verbatim all or part of a work, etc. (those other than a) in which the work, etc., and the infringing information can easily be compared)

□ c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

9. Method able to verify right infringement

[It can be verified by the method of ○○ that right infringement has occurred.]

Of the foregoing content, documentary evidence (including documents showing the relationship of rights of ▽▽▽▽ and me relating to the work "☆☆☆☆") is attached for items ○, ○, and ○.

Further, the foregoing content is affirmed to be factually correct.

END

Text box: (Form A') Example of notice conducted by the original author in a case where a derivative work has been publicly transmitted by a specified telecommunications service without authorization.

p.19

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

◇◇◇◇ Incorporated Association

Representative: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, etc.

Because distribution of the following information published at the URL [<http://www.abc.ne.jp/> (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act held by ○○○○], as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," we, a copyright, etc., management service provider under V 1 (3) of the "Provider Liability Limitation Act Guidelines Relating to Copyright," request your company to take measures to prevent transmission of the work, etc., as follows-

1. Address of the notice submitter [Postal code - , Tokyo, ○○-ku, ××△
-chome, ○-ban, ×-go]

2. Name of the notice submitter [◇◇◇◇ Incorporated Association (project manager:
××, ○○ Department)]

3. Contact information of the notice submitter

Telephone number [○○-○○○○-○○○○ (project manager: extension ××)]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The work infringed by the infringing information is the work "□□□□," which ○○○○
created, which is a work with whose management we have been entrusted by ○○○○.

6. Right claimed to have been infringed

[Right of public transmission (including right to make transmittable) of article 23 of the Copyright
Act]

7. Reason for claiming that copyright, etc. has been infringed

[○○○○ holds the right of public transmission (including right to make transmittable) provided
for in article 23 of the Copyright Act pertaining to the work "□□□□," with whose management
we have been entrusted.

We and ○○○○ have given no permission whatsoever to △△△△ with respect to publicly
transmitting (including making transmittable) the work "□□□□."

We and ○○○○ have not transferred or entrusted to any person the authority to grant permission
for publicly transmitting (including making transmittable) the work "□□□□."]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

(1) Those falling under the modes of II 4 (1) of the Guidelines

■ a) Those which the sender of the information admits to be infringement of
copyright, etc.

□ b) Files which have copied verbatim all or part of a work, etc. (those other than a)
in which the work, etc., and the infringing information can easily be compared)

c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

(2) Those falling under the modes of II 4 (2) of the Guidelines

a) Files which have copied verbatim all or part of a work, etc. (those other than (1) a) and b) in which confirmation is possible by viewing or listening to and comparing the work, etc., and the infringing information, or by comparing using specialized methods)

b) Those in which (1) b) or a) has been compressed, excluding those which fall under (1) c)

c) Those in which a) or b) has been divided

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

9. Method able to verify right infringement

[It can be verified by the method of ○○ that right infringement has occurred.]

It is affirmed that the foregoing content is factually correct, and that we have appropriately verified the foregoing content in accordance with chapter V of the Guidelines.

* Attach other necessary materials.

END

Text box: (Form B)

p.20

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

◇◇◇◇ Incorporated Association

Representative: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, Etc.

Because distribution of the following information published at the URL [http://www.abc.ne.jp/ (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act held by ○○○○], as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," we, a copyright, etc., management service provider under V 1 (3) of the "Provider Liability Limitation Act Guidelines Relating to Copyright," request your company to take measures to prevent transmission of the work, etc., as follows-

1. Address of the notice submitter [Postal code - , Tokyo, ○○-ku, ××△-chome, ○-ban, ×-go]

2. Name of the notice submitter [◇◇◇◇ Incorporated Association (project manager: ××, ○○ Department)]

3. Contact information of the notice submitter

Telephone number [○○-○○○○-○○○○ (project manager: extension ××)]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The work infringed by the infringing information is the work "☆☆☆☆" adapted by ▽▽▽▽ from the work "□□□□," with whose management we have been entrusted by ○○○○.]

6. Right claimed to have been infringed

[Right of public transmission (including right to make transmittable) of article 23 of the Copyright Act]

7. Reason for claiming that copyright, etc. has been infringed

[○○○○ holds the right of public transmission (including right to make transmittable) provided

for in article 23 of the Copyright Act pertaining to the work "☆☆☆☆" adapted by ▽▽▽▽ from "□□□□," with whose management we have been entrusted.

We and ○○○○ have given no permission whatsoever to △△△△ with respect to publicly transmitting (including making transmittable) the work "☆☆☆☆."

We and ○○○○ have not transferred or entrusted to any person the authority to grant permission for publicly transmitting (including making transmittable) the work "☆☆☆☆."]

Additionally, we have an adequate record extending over a reasonable period and expert knowledge relating to the work "☆☆☆☆". We are attaching materials that certify this.]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

(1) Those falling under the modes of II 4 (1) of the Guidelines

■ a) Those which the sender of the information admits to be infringement of copyright, etc.

□ b) Files which have copied verbatim all or part of a work, etc. (those other than a) in which the work, etc., and the infringing information can easily be compared)

□ c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

(2) Those falling under the modes of II 4 (2) of the Guidelines

□ a) Files which have copied verbatim all or part of a work, etc. (those other than (1) a) and b) in which confirmation is possible by viewing or listening to and comparing the work, etc., and the infringing information, or by comparing using specialized methods)

□ b) Those in which (1) b) or a) has been compressed, excluding those which fall under (1) c)

□ c) Those in which a) or b) has been divided

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

9. Method able to verify right infringement

[It can be verified by the method of ○○ that right infringement has occurred.]

It is affirmed that the foregoing content is factually correct, and that we have appropriately verified the foregoing content in accordance with chapter V of the Guidelines.

N.B.: Attach other necessary materials (including documents showing the relationship of rights

between the notice submitter and ▽▽▽▽ relating to the work "☆☆☆☆")

END

Text box: (Form B') Example of notice conducted by a copyright, etc., management service provider of the original author in a case where a derivative work has been publicly transmitted by a specified telecommunications service without authorization

p.21

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

☆☆ K.K.

Representative: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, etc.

Because distribution of the following information published at the URL [<http://www.abc.ne.jp/> (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act] held by us, as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," we request that your company take measures to prevent transmission of the work, etc., as follows-

1. Address of the notice submitter [Postal code - , ○○ Prefecture, ×× City, △△○-chome, ×-ban, △-go]
2. Name of the notice submitter [☆☆ K.K. (project manager: ××, ○○ Department)]
3. Contact information of the notice submitter

Telephone number [〇〇-〇〇〇〇-〇〇〇〇 (project manager: extension ××)]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The work infringed by the infringing information is the work "□□□□," which we created.]

6. Right claimed to have been infringed

[Right of public transmission (including right to make transmittable) of article 23 of the Copyright Act]

7. Reason for claiming that copyright, etc. has been infringed

[We hold the right of public transmission (including right to make transmittable) provided for in article 23 of the Copyright Act pertaining to the work "□□□□."

We have given no permission whatsoever to △△△△ with respect to publicly transmitting (including making transmittable) the work "□□□□."

We have not transferred or entrusted to any person the authority to grant permission for publicly transmitting (including making transmittable) the work "□□□□."]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

(1) Those falling under the modes of II 4 (1) of the Guidelines

■ a) Those which the sender of the information admits to be infringement of copyright, etc.

b) Files which have copied verbatim all or part of a work, etc. (those other than a) in which the work, etc., and the infringing information can easily be compared)

c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

(2) Those falling under the modes of II 4 (2) of the Guidelines

a) Files which have copied verbatim all or part of a work, etc. (those other than (1) a) and b) in which confirmation is possible by viewing or listening to and comparing the work, etc., and the infringing information, or by comparing using specialized methods)

b) Those in which (1) b) or a) has been compressed, excluding those which fall under (1) c)

c) Those in which a) or b) has been divided

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

It is affirmed that the foregoing content is factually correct, and that we are a member of △△△△ Incorporated Association, a reliability verification organization under V 1 (1) of the guidelines.

Text box: (Form C)

END

p.22

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

☆☆ K.K.

Representative: ○○ ○○ (name) seal

Concerning Notice for Measures to Prevent Transmission of a Work, Etc.

Because distribution of the following information published at the URL [<http://www.abc.ne.jp/> (registered to △△△△)] administered by your company infringes the [right of public transmission provided for in article 23 of the Copyright Act] held by us, as indicated following, based on the "Provider Liability Limitation Act Guidelines Relating to Copyright," we request your company to take measures to prevent transmission of the work, etc., as follows.

1. Address of the notice submitter [Postal code - , ○○ Prefecture, ×× City,

△△○-chome, ×-ban, △-go]

2. Name of the notice submitter [☆☆ K.K. (project manager: ××, ○○
Department]

3. Contact information of the notice submitter

Telephone number [○○-○○○○-○○○○ (project manager: extension ××]

E-mail address [abcd@efg.jp]

4. Information for specifying the infringing information

URL [http://www.abc.ne.jp/aaa/bbb/ccc.txt]

File name [ccc.txt]

Other characteristics [For example, the creation date, file size, etc., or other attributes]

5. Description of the work, etc.

[The work infringed by the infringing information is the work "☆☆☆☆" adapted by ▽▽▽▽
from the work "□□□□," which we created.]

6. Right claimed to have been infringed

[Right of public transmission (including right to make transmittable) of article 23 of the Copyright
Act]

7. Reason for claiming that copyright, etc. has been infringed

[We hold the right of public transmission (including right to make transmittable) provided for in
article 23 of the Copyright Act pertaining to the work "☆☆☆☆," which ▽▽▽▽ adapted from
"□□□□."

We have given no permission whatsoever to △△△△ with respect to publicly transmitting
(including making transmittable) the work "☆☆☆☆."

We have not transferred or entrusted to any person the authority to grant permission for publicly
transmitting (including making transmittable) the work "☆☆☆☆."]

8. Mode of copyright, etc. infringement

1 Case of mode of right infringement covered by the Guidelines

The infringing information "××××" falls under the mode indicated by "■" below.

(1) Those falling under the modes of II 4 (1) of the Guidelines

■ a) Those which the sender of the information admits to be infringement of
copyright, etc.

□ b) Files which have copied verbatim all or part of a work, etc. (those other than a)
in which the work, etc., and the infringing information can easily be compared)

c) Those in which b) has been compressed by a current standard compression scheme (one which is reversible)

(2) Those falling under the modes of II 4 (2) of the Guidelines

a) Files which have copied verbatim all or part of a work, etc. (those other than (1) a) and b) in which confirmation is possible by viewing or listening to and comparing the work, etc., and the infringing information, or by comparing using specialized methods)

b) Those in which (1) b) or a) has been compressed, excluding those which fall under (1) c)

c) Those in which a) or b) has been divided

2 Case of mode of right infringement not covered by the Guidelines

(State the mode of right infringement appropriately and in detail.)

It is affirmed that the foregoing content is factually correct, and that we are a member of △△△△ Incorporated Association, a reliability verification organization under V 1 (1) of the guidelines.

END

Text box: (Form C') Case of notice conducted by the author (juridical person) of the original work through a reliability verification organization in a case where a derivative work has been publicly transmitted by a specified telecommunications service without authorization

p.23

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

◇◇◇◇ Incorporated Association

Representative: ○○ ○○ (name) seal

Concerning Verification of Notice for Measures to Prevent Transmission of a Work, etc.

We, a reliability verification organization under V 1 (1) of the "Provider Liability Limitation Act Guidelines Relating to Copyright," hereby affirm that, with respect to the content of the notice of

measures to prevent transmission of a work, etc., that [☆☆ K.K.], a member of our organization, made to your company on the date of Heisei ○○ year ○○ month ○○ day based on the same Guidelines, verification in accordance with V of the Guidelines was conducted appropriately with respect to the following items-

1. Notice submitter ☆☆ K.K. is a member of this organization.
2. This notice definitely was conducted by ☆☆ K.K.
3. Notice submitter ☆☆ K.K. is the copyright holder, etc., of the work, etc. "□□□□" (hereinafter referred to as "work, etc. A") listed on the notice form submitted to your company.
4. The copyright, etc., of work, etc. A has been infringed.
5. The mode of infringement of the copyright, etc., pertaining to copyright, of work etc. A in 4 is covered by the above-mentioned Guidelines.
6. The copyright, etc., pertaining to work, etc. A is within the term of protection.
7. Method of verifying that right infringement has occurred

[It was verified by the method of ○○ that right infringement has occurred.]

It is affirmed that the foregoing content is factually correct.

N.B.: Attach other necessary materials.

END

Text box: (Form D)

p.24

Heisei year month day

To: [○○ K.K. (Customer Service Manager)]

◇◇◇◇ Incorporated Association

Representative: ○○ ○○ (name) seal

Concerning Verification of Notice for Measures to Prevent Transmission of a Work, etc.

We, a reliability verification organization under V 1 (1) of the "Provider Liability Limitation Act Guidelines Relating to Copyright," hereby affirm that, with respect to the content of the notice of measures to prevent transmission of a work, etc., that [☆☆ K.K.], a member of our organization, made to your company on the date of Heisei ○○ year ○○ month ○○ day based on the same Guidelines, verification in accordance with V of the Guidelines was conducted appropriately with respect to the following items-

1. Notice submitter ☆☆ K.K. is a member of this organization.
2. This notice definitely was conducted by ☆☆ K.K.
3. Notice submitter ☆☆ K.K. is the copyright holder, etc., of the work, etc. "☆☆☆☆" (hereinafter referred to as "work, etc. A") listed on the notice form submitted to your company.
4. The copyright, etc., of work, etc. A has been infringed.
5. The mode of infringement of the copyright, etc., pertaining to copyright, of work etc. A in 4 is covered by the above-mentioned Guidelines.
6. The copyright, etc., pertaining to work, etc. A is within the term of protection.
7. Method of verifying that right infringement has occurred

[It was verified by the method of ○○ that right infringement has occurred.]

It is affirmed that the foregoing content is factually correct.

N.B.: Attach other necessary materials (including documents showing the relationship of rights between the notice submitter and ▽▽▽▽ relating to the work "☆☆☆☆")

END

Text box: (Form D') Example of verification conducted by a reliability verification organization in the case of notice by form C'

