

5. LAW FOR THE PREVENTION OF STEALTHY RECORDING OF FILMS

(Law No.65, of May 30, 2007)

(Purpose)

Article 1. The purpose of this Law is, in view of the fact that copies of films are made by means of stealthy recording in cinemas, etc., that many of such copies are distributed widely, and that this leads to serious damages to the film industry, to provide for necessary matters for the prevention of such stealthy recording of films, and thereby to contribute to the promotion of culture in the field of films and a healthy development of the film industry.

(Definitions)

Article 2. In this Law, the following terms shall have the meaning hereby assigned to them, respectively:

- (i) "presentation" means the presentation defined in Article 2, paragraph (1), item (xvii) of the Copyright Law (Law No.48, of 1970);
- (ii) "cinemas, etc." means cinemas and other places where films are shown for unspecified or many persons and where the admission thereto is under the control of a sponsor for such film showing;
- (iii) "stealthy recording of films" means to made visual recording of images ("visual recording" means such recording as defined in Article 2, paragraph (1), item (xiv) of the Copyright Law) or sound recording of sounds ("sound recording" means such recording as defined in item (xiii) of that paragraph), of films, which are shown with charging fees to the audience in cinemas, etc. (including such films as are shown without charging fees to the audience in cinemas, etc., and limited to such films as are subject matters of copyright; hereinafter referred to merely as "films"), except in the case where such recording is made with the authorization of the copyright owners of such films.

(Prevention, by enterprisers within the films industry, of stealthy recording of films)

Article 3. Sponsors for showing films in cinemas, etc. and other enterprisers connected with the film industry shall make an effort to take measures for the prevention of stealthy recording of films.

(Exceptional provisions to the Copyright Law with respect to stealthy recording of films)

Article 4. (1) The provisions of Article 30, paragraph (1) of the Copyright Law shall not apply to stealthy recording of films, and in case of the application of the provisions of Article 119, paragraph (1) to persons who make stealthy recording of films, the words "those who reproduce by themselves works or performances, etc. for the purpose of private use mentioned in Article 30, paragraph (1) (including the case where its application *mutantis mutandis* is provided for in Article 102, paragraph (1))" in that paragraph shall be excluded.

(2) The provisions of the preceding paragraph shall not apply to stealthy recordings of films made after a lapse of eight months from the day when the first showing of such films was made in cinemas, etc. within Japanese territory with charging fees to the audience.

Supplementary Provisions

This Law shall come into force three months after the date of its promulgation.

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