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This English translation of the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs has been prepared (up to the Act No. 84 of 2014 (Effective June 1, 2015)).

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## **Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 84 of June 25, 2014)**

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### **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to secure the profits of Producers of Specific Agricultural, Forestry and Fishery Products and Foodstuffs by establishing a system concerning the protection of the names of Specific Agricultural, Forestry and Fishery Products and

Foodstuffs based on the Annex 1C (Agreement on Trade-Related Aspects of Intellectual Property Rights) of the Marrakesh Agreement Establishing the World Trade Organization, and thereby to contribute to the development of agricultural, forestry and fishery industries and relevant industries as well as to protect the interests of customers.

(Definitions)

Article 2 (1) The term "Agricultural, Forestry and Fishery Product and Foodstuff" as used in this Act means those set forth below; provided, however, that those falling under any liquors prescribed in Article 2, paragraph (1) of the Liquor Tax Act (Act No. 6 of 1953), and medicines prescribed in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (Act No. 145 of 1960), quasi- pharmaceutical products prescribed in paragraph (2) of said Article, cosmetics prescribed in paragraph (3) of said Article, and regenerative medical product prescribed in paragraph (9) of said Article are excluded:

- (i) agricultural, forestry and fishery products (limited to those intended for human consumption);
  - (ii) foods and drinks (excluding those set forth in the preceding item);
  - (iii) agricultural, forestry and fishery products (excluding those set forth in item (i)), and as provided by Cabinet Order; and
  - (iv) products manufactured or processed by using agricultural, forestry and fishery products as raw materials or ingredients (excluding those set forth in item (ii)), and as provided by Cabinet Order.
- (2) The term "Specific Agricultural, Forestry and Fishery Product and Foodstuff" as used in this Act means any Agricultural, Forestry and Fishery Products and Foodstuffs falling under the following items:
- (i) products produced in a specific place, region or country; and
  - (ii) products whose quality, reputation or other established characteristic (hereinafter simply referred to as "Characteristic") is essentially attributable to the place of production specified in the preceding item.
- (3) The term "Geographical Indication" as used in this Act means the indication of the names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (limited to what can identify the matters set forth in the respective items of the preceding paragraph by said names).
- (4) The term "Production" as used in this Act means acts performed to impart a Characteristic or to preserve the Characteristic of Agricultural, Forestry and Fishery Products and Foodstuffs among a series of acts until the shipment of Agricultural, Forestry and Fishery Products and Foodstuffs; the term "Place of Production" as used in this Act means the place, region or country where Agricultural, Forestry and Fishery Products and Foodstuffs have been produced; and the term "Producer" as used in this Act means a person who conducts Production in the course of trade.

- (5) The term "Group of Producers" as used in this Act means a group that comprises Producers as direct or indirect members (hereinafter simply referred to as "Members") and is provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries (only for an organization without legal personality with provisions of representative or administrator, it is limited to those that provide by laws or ordinances or an article of incorporation and any other basic contract provisions, without a just cause, that the group must not deny enrollment of any person eligible to become a Member or that the group must not impose any conditions of enrollment heavier than those imposed on its existing Members).
- (6) The term "Production Process Management" as used in this Act means the following operations conducted by a Group of Producers:
- (i) creation or change of a specification containing the information set forth in Article 7, paragraph (1), items (ii) to (viii) (hereinafter simply referred to as "Specification") with regard to Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (ii) regarding Agricultural, Forestry and Fishery Products and Foodstuffs specified in said Specification, guidance, examination and other operations that are necessary to accord the Production of the Producer as Member of said Group of Producers with the Specification; and
  - (iii) conduction of operations incidental to the operations set forth in the preceding two items.

## **Chapter II Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs**

(Geographical Indication)

Article 3 (1) A Producer as a Member of a Group of Producers which has received a registration pursuant to Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article (including a Group of Producers that has received a registration of change to Article 15, paragraph (1); hereinafter referred to as a "Registered Group of Producers") may affix a Geographical Indication on the Specific Agricultural, Forestry and Fishery Products and Foodstuffs or their package, container or invoice (hereinafter referred to as "Package, etc.") if the Agricultural, Forestry and Fishery Products and Foodstuffs produced by the Producer are Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration prescribed in Article 6. The same applies to a person who has directly or indirectly received said Agricultural, Forestry and Fishery Products and Foodstuffs from said Producer.

(2) Unless otherwise provided for in the preceding paragraph, it is prohibited for any person to affix a Geographical Indication pertaining to the Specific Agricultural, Forestry and Fishery Products and Foodstuffs or an indication similar thereto on Agricultural, Forestry and Fishery Products and Foodstuffs, which belongs to the classification to which the Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration belongs (meaning a classification of Agricultural, Forestry and Fishery Products and Foodstuffs as provided by the

Minister of Agriculture, Forestry and Fisheries in consideration of circumstances including the types designated by the Minister of Agriculture, Forestry and Fisheries pursuant to Article 7, paragraph (1) of the Act on Standardization of Commodities concerning Agricultural and Forestry Products (Act No. 175 of 1950); the same applies hereafter), or Agricultural, Forestry and Fishery Products and Foodstuffs manufactured or processed using said Product as a main raw material or ingredient, or on its Package, etc.; provided, however, that this does not apply in the following cases:

- (i) when a person affixes a Geographical Indication pertaining to the Specific Agricultural, Forestry and Fishery Products and Foodstuffs or an indication similar thereto on Agricultural, Forestry and Fishery Products and Foodstuffs manufactured or processed using said Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration as a main raw material or ingredient, or on its Package, etc.;
- (ii) when the holder of trademark right of a registered trademark (meaning the registered trademark prescribed in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereafter) pertaining to an application for registration filed before the date of the registration provided by Article 6 (when there has been any registration of change to Article 16, paragraph (1) with regard to the information set forth in Article 7, paragraph (1), item (iii) pertaining to said registration, the day of registration of said change; the same applies in the following item and item (iv)) or any other person who has the right to use (meaning use as prescribed in Article 2, paragraph (3) of said Act; hereinafter the same applies in this item and the following item) said registered trademark pursuant to the Articles of said Act uses said registered trademark for designated goods or designated services (meaning the goods or services designated pursuant to the provisions of Article 6, paragraph (1) of said Act) pertaining to such registration of trademark;
- (iii) when a person who has had the right to use a trademark pursuant to the provisions of the Trademark Act or any other law since before the date of registration uses the trademark pertaining to said right for the goods or services pertaining to said right (excluding the case set forth in the preceding item);
- (iv) when, before the date of registration, without the purpose of obtaining an wrongful gain, the purpose of causing damages to others, or any other wrongful purpose, a person who has affixed an indication with the identical name as the Geographical Indication pertaining to the Specific Agricultural, Forestry and Fishery Products and Foodstuffs or an indication similar thereto on Agricultural, Forestry and Fishery Products and Foodstuffs, which belongs to the classification to which the Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration belongs or on its Package, etc., or a person who has assumed the business, continues to affix the indication on said Agricultural, Forestry and Fishery Products and Foodstuffs or their Package, etc.; or, when a person who has directly or indirectly received said Agricultural, Forestry and Fishery Products and Foodstuffs (limited to those that the indication is affixed on the product or its Package, etc.) from such a person affixes the indication on said Agricultural, Forestry and Fishery Products and Foodstuffs or

its Package, etc.; or

- (v) in addition to what is set forth in the preceding items, when it is provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Registered Mark)

Article 4 (1) When a Producer Member of a Registered Group of Producers affixes a Geographical Indication on the Specific Agricultural, Forestry and Fishery Products and Foodstuffs or on their Package, etc. pursuant to the provisions of the first sentence of paragraph (1) of the preceding Article, the Producer must affix a registered mark (meaning a mark stating that the Geographical Indication indicates the name of the Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration and provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries; the same applies hereafter) on said Specific Agricultural, Forestry and Fishery Products and Foodstuffs or their Package, etc. The same applies to a person prescribed in the second sentence of said paragraph.

- (2) Except in cases under the preceding paragraph, it is prohibited for any person to affix a registered mark or a mark similar thereto on Agricultural, Forestry and Fishery Products and Foodstuffs or their Package, etc.

(Order for Measures)

Article 5 The Minister of Agriculture, Forestry and Fisheries may order a person who has violated the provisions set forth in the following items to take measures set forth in said respective items and other necessary measures:

- (i) Article 3, paragraph (2): remove or erase the Geographical Indication or an indication similar thereto;
- (ii) paragraph (1) of the preceding Article: affix the registered mark; or
- (iii) paragraph (2) of the preceding Article: remove or erase the registered mark or a mark similar thereto.

### **Chapter III Registration**

(Registration of Specific Agricultural, Forestry and Fishery Products and Foodstuffs)

Article 6 A Group of Producers that conducts Production Process Management may, if the Agricultural, Forestry and Fishery Products and Foodstuffs concerning which the group has created a Specification is Specific Agricultural, Forestry and Fishery Products and Foodstuffs, have said Agricultural, Forestry and Fishery Products and Foodstuffs registered by the Minister of Agriculture, Forestry and Fisheries.

(Application for Registration)

Article 7 (1) A Group of Producers that intends to receive a registration prescribed in the

preceding Article (excluding Article 15, 16, paragraphs (2) and (3) of Article 17, and Article 22, paragraph (1), item (i), (d); hereinafter simply referred to as a "registration") must submit a written application specifying the following information to the Minister of Agriculture, Forestry and Fisheries, pursuant to Ordinance of the Ministry of Agriculture, Forestry and Fisheries:

- (i) the name and address of the Group of Producers, and the name of its representative (if it is a group of producers without legal personality, its representative or administrator);
  - (ii) the classification of said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (iii) the name of said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (iv) the Place of Production of said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (v) the Characteristic of said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (vi) the method of Production of said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (vii) in addition to what is set forth from item (ii) to the preceding item, other necessary matters to identify said Agricultural, Forestry and Fishery Products and Foodstuffs;
  - (viii) in addition to what is set forth from item (ii) to the preceding item, matters as provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries with regard to said Agricultural, Forestry and Fishery Products and Foodstuffs; and
  - (ix) in addition to what is set forth in the preceding items, matters as provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The following documents must be attached to the written application of the preceding paragraph:
- (i) the Specification;
  - (ii) the rules regarding the method of Production Process Management (hereinafter referred to as the "Production Process Management Rules"); and
  - (iii) in addition to what is set forth in the preceding two items, documents provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (3) A Group of Producers that conducts Production Process Management may apply for registration jointly with others.

(Public Notice of Application for Registration)

Article 8 (1) When the Minister of Agriculture, Forestry and Fisheries has received an application for registration, the Minister must make a public notice of the information set forth in items (i) to (viii) of paragraph (1) of the preceding Article and any other necessary information, except when registration is refused pursuant to the provisions of Article 13, paragraph (1) (limited to the part pertaining to item (i)).

(2) The Minister of Agriculture, Forestry and Fisheries must make the written application in paragraph (1) of the preceding Article and the documents set forth in items (i) and (ii) of paragraph (2) of said Article available for public inspection for 2 months from the date of the

public notice under the provisions of the preceding paragraph.

(Submission of Written Opinion)

Article 9 (1) When there is a public notice under the provisions of paragraph (1) of the preceding Article, any person may submit a written opinion about the application for registration pertaining to said announcement to the Minister of Agriculture, Forestry and Fisheries within 3 months from the date of said public notice.

(2) When the Minister of Agriculture, Forestry and Fisheries has received a written opinion under the provisions of the preceding paragraph, the Minister must send a copy of said written opinion to the Group of Producers that has made the application for registration.

(Restrictions on Application for Registration)

Article 10 (1) For the purpose of applying the provisions of paragraph (2) of the preceding Article and paragraphs (2) and (3) of the following Article, an application for registration falling under all of the following items is deemed to be a submission of a written opinion pursuant to the provisions of paragraph

(1) of the preceding Article with regard to the application for registration pertaining to the public notice under the provisions of Article 8, paragraph (1). In this case, the Minister of Agriculture, Forestry and Fisheries must notify it to the Group of Producers that has made the application for registration falling under all of said respective items:

(i) the application for registration was made before the period prescribed in paragraph (1) of the preceding Article has expired, and after the application for registration pertaining to the public notice under the provisions of Article 8, paragraph (1) was made; and

(ii) all or part of the Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to said application for registration must fall under all or part of the Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the public notice under the provisions of Article 8, paragraph (1).

(2) An application for registration falling under paragraph (2) of the preceding Article may not be made after the passage of a period of time prescribed in paragraph (1) of the preceding Article; provided, however, that this does not apply after an application for registration pertaining to the public notice under the provisions of Article 8, paragraph (1) has been withdrawn, refused pursuant to the provisions of Article 13, paragraph (1) or carried out.

(Hearing of Opinions of Persons with Relevant Knowledge and Experience)

Article 11 (1) When the period prescribed in Article 9, paragraph (1) has expired, pursuant to the provisions of Ordinance of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with relevant knowledge and experience (hereinafter referred to as "persons with relevant knowledge and experience" in this Article) as to

whether applications for registration fall under the cases set forth in Article 13, paragraph (1),

items (ii) to (iv).

- (2) In the case of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 9, paragraph (1) to persons with relevant knowledge and experience.
- (3) Persons with relevant knowledge and experience who have been consulted pursuant to the provisions of paragraph (1), if they find it to be necessary, may hear opinions of the Group of Producers that made the application for registration or the person who submitted a written opinion pursuant to Article 9, paragraph (1), or other relevant persons.
- (4) Persons with relevant knowledge and experience who have been consulted pursuant to the provisions of paragraph (1) must not leak or misappropriate secrets that they have learned in the course of being asked for their opinions.

#### (Conduct of Registration)

Article 12 (1) When the Minister of Agriculture, Forestry and Fisheries has received an application for registration (excluding the cases set forth in Article 8, paragraph (1)) and finished the procedures under the provisions of said Article to the preceding Article, the Minister must register the application, except when registration is refused pursuant to the provisions in paragraph (1) of the following Article.

- (2) Registration is to be made by specifying the following information in the register of specific agricultural, forestry and fishery products and foodstuffs:
  - (i) the number and date of registration;
  - (ii) the information set forth in Article 7, paragraph (1), items (ii) to (viii); and
  - (iii) the information set forth in Article 7, paragraph (1), item (i).
- (3) When the Minister of Agriculture, Forestry and Fisheries, has made registration, the Minister must notify it to the Group of Producers that made the application for registration and also publicly notify matters provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

#### (Refusal of Registration)

Article 13 (1) The Minister of Agriculture, Forestry and Fisheries must refuse registration in the following cases:

- (i) when the Group of Producers falls under any of the following:
  - (a) when the Group of Producers has had its registration revoked pursuant to the provisions of Article 22, paragraph (1), and 2 years have not elapsed yet from the date of the revocation; or
  - (b) when an officer of the group (including the representative or administrator of a group of producers without legal personality; The same applies to 2) falls under any of the following:
    1. a person who was sentenced pursuant to any provisions of this Act, if a period of 2 years has not yet elapsed from the date on which the person served out the sentence



or was exempted from the execution of the sentence; or

2. in the case of a Group of Producers whose registration was revoked pursuant to the provisions of Article 22, paragraph (1), a person who was an officer of the Group of Producers within 30 days before the revocation, without exceeding 2 years after the revocation;

(ii) when the Production Process Management falls under any of the following:

(a) when the information set forth in items (ii) to (viii) of said paragraph as provided in the Specification attached to the written application in paragraph (1) of said Article pursuant to the provisions of Article 7, paragraph (2) are different from the information specified in said written application;

(b) when the method of Production Process Management provided for by the Production Process Management Rules does not accord with the standards provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the Production conducted by a Producer as a Member of said Group of Producers accords with the Specification;

(c) when the Group of Producers do not have sufficient financial basis to conduct accurate and smooth Production Process Management; or

(d) when a system necessary to ensure fair conduct of Production Process Management is found not to be established;

(iii) when the Agricultural, Forestry and Fishery Products and Foodstuffs (referred to as "agricultural, forestry and fishery product and foodstuff applied for" in the following items) pertaining to application for registration falls under any of the following:

(a) when the product is not Specific Agricultural, Forestry and Fishery Products and Foodstuffs; or

(b) when all or part of the product falls under Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to registration;

(iv) when the name of the agricultural, forestry and fishery products and foodstuffs applied for falls under any of the following:

(a) when the name is a generic term or when the information set forth in the items of Article 2, paragraph (2) regarding said agricultural, forestry and fishery products and foodstuffs applied for cannot be specified by the name; or

(b) when the name is the identical with or similar to the following registered trademark:

1. a registered trademark pertaining to the agricultural, forestry and fishery products and foodstuffs applied for or a product similar thereto; or

2. a registered trademark pertaining to a service related to the agricultural, forestry and fishery products and foodstuffs applied for or a product similar thereto.

(2) The provisions in the preceding paragraph (limited to the part pertaining to item (iv), (b)) do not apply if a Group of Producers falling under any of the following items files an application for registration regarding Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of said paragraph:

- (i) a Group of Producers that is a holder of trademark pertaining to the registered trademark as prescribed in (b) of item (iv) of the preceding paragraph (when an exclusive right to use has been established for the trademark right pertaining to said registered trademark, this is limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item);
  - (ii) a Group of Producers that is an exclusive licensee of an exclusive right to use established as an exclusive right to use for the trademark right pertaining to the registered trademark prescribed in (b) of item (iv) of the preceding paragraph (limited to cases where approval of the following persons has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item):
    - (a) the holder of trademark pertaining to said registered trademark; and
    - (b) exclusive licensee of said exclusive right to use other than said Group of Producers;
  - (iii) a Group of Producers that has obtained approval of the holder of trademark pertaining to the registered trademark provided in (b) of said item with regard to registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of the preceding paragraph (if an exclusive right to use is established for the trademark right pertaining to said registered trademark, limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of said Agricultural, Forestry and Fishery Products and Foodstuffs).
- (3) When the Minister of Agriculture, Forestry and Fisheries has refused registration pursuant to the provisions of paragraph (1), the Minister must give notice in writing of the same and the reason to the Group of Producers that filed the application for registration.

(Public Inspection of the Register of Specific Agricultural, Forestry and Fishery Products and Foodstuffs)

Article 14 The Minister of Agriculture, Forestry and Fisheries must make the register of specific agricultural, forestry and fishery products and foodstuffs available for public inspection.

(Registration of Change to Add Group of Producers)

Article 15 (1) A Group of Producers intending to conduct Production Process Management for Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to the registration in Article 6 (excluding a Group of Producers that has received said registration) may receive a registration of change to add the information set forth in Article 7, paragraph (1), item (i) pertaining to said Group of Producers to the information set forth in Article 12, paragraph (2), item (iii).

(2) The provisions in Articles 7 to 9 and 11 to 13 apply mutatis mutandis to the registration of change prescribed in the preceding paragraph. In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "the information set forth in item (i),

the registration number, and the information set forth in Article 9," the term "the information set forth in paragraph (1), items (i) to (viii) of the preceding Article" in Article 8, paragraph (1) is deemed to be replaced with "the information set forth in paragraph (1), item (i) of the preceding Article, the registration number," the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 13, paragraph (1), items (ii) and (iv) (excluding (a))," the term "said Article to the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "said Article, Article 9, and the preceding Article," the term "following" in paragraph (2) of said Article is deemed to be replaced with "set forth in the date of change and item (iii)," the term "in the following cases" in Article 13, paragraph (1) is deemed to be replaced with "in the cases set forth in items (i), (ii) and (iv) (excluding (a))," and the term "the information" in (a) of item (ii) of said paragraph is deemed to be replaced with "the information as set forth in item (ii) of paragraph (2) of the preceding Article pertaining to registration number."

(Registration of Change of Specification)

Article 16 (1) A Registered Group of Producers intending to make a change to the Specification (limited to those pertaining to the information set forth in Article 7, paragraph (1), items (iii) to (viii)) must receive a registration of change.

(2) In the case of the preceding paragraph, if there are two or more Registered Groups of Producers pertaining to registration in Article 6, all Registered Groups of Producers pertaining to said registration must jointly apply for registration of change in said paragraph.

(3) The provisions in paragraphs (1) and (2) of Article 7, Articles 8 and 9 and Articles 11 through 13 (if the matters pertaining to registration of change as prescribed in paragraph (1) are those provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as being minor, excluding the provisions of Articles 9 and 11) apply mutatis mutandis to registration of change as prescribed in paragraph (1). In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "of the information set forth in item (1), the registration number, and among the information set forth in items (iii) to (viii), those pertaining to change," the term "the information set forth in paragraph (1), items (i) to (viii) of the preceding Article" in Article 8, paragraph (1) is deemed to be replaced with "of the information set forth in paragraph (1), item (i) of the preceding Article, the registration number, and among the items (iii) to (viii) of said paragraph, those pertaining to change," the term "said Article to the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "said Article, Article 9, and the preceding Article" in cases other than the case where the information pertaining to the registration of change as prescribed in paragraph (1) are those provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as being minor, or replaced with "said Article" if the matters pertaining to the registration of change as prescribed in said paragraph are those provided by said Ordinance of the Ministry of Agriculture, Forestry and Fisheries as being minor, the term "following" in paragraph (2) of said Article is deemed to be replaced with "the

information pertaining to the date of change and the change," the term "item (ii) of the said paragraph" in Article 13, paragraph (1), item (ii) (a) is deemed to be replaced with "item (iii) of said paragraph" and the term "the information" is deemed to be replaced with "among the information, those pertaining to change."

(Notification of Change in Registered Group of Producers)

Article 17 (1) Whenever a Registered Group of Producers changes any of the information set forth in Article 12, paragraph (2), item (iii) pertaining to said Registered Group of Producers, the group must notify of the same and the date to the Minister of Agriculture, Forestry and Fisheries without delay.

(2) When the Minister of Agriculture, Forestry and Fisheries has received a notification under the provisions of the preceding paragraph, the Minister must register the change by specifying the information pertaining to said notification in the register of specific agricultural, forestry and fishery products and foodstuffs.

(3) When the Minister of Agriculture, Forestry and Fisheries has registered the change prescribed in the preceding paragraph, the Minister must publicly notify of the same.

(Notification of Change to Production Process Management Rules)

Article 18 A Registered Group of Producers that intends to change its Production Process Management Rules must in advance notify the Minister of Agriculture, Forestry and Fisheries.

(Notification of Suspension of Production Process Management)

Article 19 A Registered Group of Producers that intends to suspend its Production Process Management must in advance notify the Minister of Agriculture, Forestry and Fisheries.

(Expiration of Registration)

Article 20 (1) A registration (when there are two or more Registered Group of Producers pertaining to said registration, this is limited to the part pertaining to a Registered Group of Producers falling under any of said respective items among the information set forth in Article 12, paragraph (2), item (iii); hereinafter the same applies in this Article) will cease to be effective if the registration falls under any of the following items:

(i) if the Registered Group of Producers has been dissolved and the liquidation has been completed; or

(ii) if the Registered Group of Producers has discontinued its Production Process Management.

(2) When a registration has ceased to be effective pursuant to the provisions of the preceding paragraph, the Registered Group of Producers pertaining to said registration (in the case set forth in item (i) of said paragraph, a liquidator) must notify the Minister of Agriculture, Forestry and Fisheries of the reason and the date of its invalidation without delay.

- (3) When a registration has ceased to be effective pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must delete the registration from the register of specific agricultural, forestry and fishery products and foodstuffs
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted a registration pursuant to the provisions of the preceding paragraph, the Minister must publicly notify of the same.

(Order for Measures)

Article 21 The Minister of Agriculture, Forestry and Fisheries, in the following cases, may order a Registered Group of Producers to change the Specification or the Production Process Management Rules, and to take any necessary measure:

- (i) if a Producer Member of the group has breached the provisions of Article 3, paragraph (2) or Article 4, or an order under Article 5;
- (ii) if the Specification does not accord with the information set forth in Article 12, paragraph (2), item (ii); or
- (iii) if it falls under Article 13, paragraph (1), item (ii) (excluding (a)).

(Revocation of Registration)

Article 22 (1) The Minister of Agriculture, Forestry and Fisheries, in the following cases, may revoke all or part of a registration:

- (i) if a Registered Group of Producers falls under any of the following:
    - (a) the group no longer falls under a Group of Producers;
    - (b) the group has fallen under Article 13, paragraph (1), item (i) (b) (limited to the part pertaining to 1);
    - (c) the group has breached an order under the provisions of the preceding Article; or
    - (d) the group has received a registration as prescribed in Article 6 or a registration of change as prescribed in Article 15, paragraph (1) or Article 16, paragraph (1) by wrongful means;
  - (ii) if the Specific Agricultural, Forestry and Fishery Product and Foodstuffs pertaining to registration have fallen under Article 13, paragraph (1), item (iii) (a);
  - (iii) if the name of the Specific Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to registration have fallen under Article 13, paragraph (1), item (iv) (a); or
  - (iv) if a holder of trademark or an exclusive licensee as provided in the respective items of Article 13, paragraph (2) has withdrawn the approval provided in the respective items of said paragraph.
- (2) The provisions of Articles 8, 9, and 11 apply mutatis mutandis to the revocation of registration under the provisions of the preceding paragraph (limited to the part pertaining to items (ii) and (iii)). In this case, the term " the information set forth in paragraph (1), items (i) to (viii) of the preceding Article, except when registration is refused by the provisions of Article 13, paragraph

- (1) (limited to the part pertaining to item (i))" in Article 8, paragraph (1) is deemed to be replaced with "the registration number and the reason for revocation," the term "the written application in paragraph (1) of the preceding Article and the documents set forth in paragraph (2), item (i) of said Article" in paragraph (2) of said Article is deemed to be replaced with "the documents set forth in paragraph (2), item (i) of the preceding Article" and the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 22, paragraph (1), items (ii) and (iii)."
- (3) When the Minister of Agriculture, Forestry and Fisheries has revoked all or part of a registration under the provisions of paragraph (1), the Minister must delete all or part of the registration from the register of specific agricultural, forestry and fishery products and Foodstuffs.
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted all or part of a registration pursuant to the provisions of the preceding paragraph, the Minister must give notice of the same to the Registered Group of Producers pertaining to the revocation of said registration, and make a public notice.

#### **Chapter IV Miscellaneous Provisions**

(Method of Public Notice)

Article 23 (1) Public notice under the provisions of this Act is to be performed through the Internet or through other appropriate methods.

(2) The necessary matters concerning the public notice set forth in the preceding paragraph are provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Report and On-Site Inspection)

Article 24 (1) The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Act, request a Registered Group of Producers, Producers and other persons concerned to make a necessary report on its business or have officials of the Minister enter the offices, local offices, warehouses, farms, factories or any other place of the group, manufacturer or persons and have them inspect the situation of the business or Agricultural, Forestry and Fishery Products and Foodstuffs and their ingredients, books, documents and other articles.

- (2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry a document that identifies the official and show it to the people concerned.
- (3) The authority to conduct on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being granted for criminal investigations.

(Report to the Minister of Agriculture, Forestry and Fisheries)

Article 25 (1) Any person who considers that a fact involving violation of the provisions of

Article 3, paragraph (2) or Article 4 exists, may report to the Minister of Agriculture, Forestry and Fisheries the same, and request to take appropriate measures, in accordance with the procedures as prescribed in Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) When a report has been filed pursuant to the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must conduct necessary investigation, and when the Minister has found the contents of such report to be true, the Minister must take the measures prescribed in Article 5 or 21 and other appropriate measures.

(Delegation of Authority)

Article 26 The authority of the Minister of Agriculture, Forestry and Fisheries provided for in this Act may be delegated in part to chiefs of local administrative offices pursuant to the provisions of Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Delegation to Ordinance of the Ministry of Agriculture, Forestry and Fisheries)

Article 27 In addition to what is provided in this Act, procedures and other matters required for the implementation of this Act are specified by Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

## **Chapter V Penal Provisions**

Article 28 Any person who has violated the order under the provisions of Article 5 (limited to the part pertaining to item (i)) is punished by imprisonment with work for not more than 5 years or a fine of not more than 5 million yen, or both.

Article 29 Any person who has violated the order under the provisions of Article 5 (excluding the part pertaining to item (i)) is punished by imprisonment with work for not more than 3 years or a fine of not more than 3 million yen.

Article 30 Any person who has violated the order under the provisions of Article 11, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 15, paragraph (2), Article 16, paragraph (3), and Article 22, paragraph (2)) is punished by imprisonment with work for not more than 6 months or a fine of not more than 500,000 yen.

Article 31 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has failed to submit a notification under the provisions of Article 17, paragraph (1) or Article 20, paragraph (2), or made false notification;
- (ii) a person who has made a change to the Production Process Management Rules without making notification under the provisions of Article 18, or making a false notification;
- (iii) a person who has suspended the Production Process Management without making

- notification under the provisions of Article 19, or making a false notification; or
- (iv) a person who has not filed reports under the provisions of Article 24, paragraph (1) or filed a false report, or refused, interfered with or avoided inspections under the provisions of said paragraph.

Article 32 (1) When a corporation (including an organization without legal personality with provisions for a representative or an administrator; hereinafter the same applies in this paragraph) or a representative or a manager, or an agent, employee, or other worker of a corporation or individual committed a violation of any of the provisions set forth in the following items with regard to the business of said corporation or individual, not only the offender is punished but also the said corporation is punished by the fine prescribed respectively in those items, and the said individual is punished by the fine prescribed in the respective Articles:

- (i) Article 28: a fine of not more than 300 million yen;
- (ii) Article 29: a fine of not more than 100 million yen; or
- (iii) the preceding Article: a fine set forth in said Article.

(2) When the preceding paragraph applies to an organization without legal personality, the representative or the administrator thereof represents the organization without legal personality in litigation, and the legal provisions concerning cases of criminal litigation in which a corporation is the accused or the suspect apply *mutatis mutandis*.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as from the date to be provided by a Cabinet Order within a period not exceeding 1 year from the day of promulgation; provided, however, that the provisions of Article 6 of the Supplementary Provisions of this Act come into effect as from the day of promulgation.

(Review)

Article 2 The Government is to review the status of enforcement of this Act within 10 years from the date of its enforcement, and take any necessary measure based upon the results of such review.

(Adjustment Provisions)

Article 3 If the date on which this Act comes into effect falls before the date on which the Food Labeling Act (Act No. 70 of 2013) comes into effect, for the purpose of applying the provisions of Article 3, paragraph (2) until the day before said date, the term "the Act on Standardization of Commodities concerning Agricultural and Forestry Products" in said paragraph is deemed to be replaced with "the Act on Standardization and Proper Quality



## Labeling of Agricultural and Forestry Products."

(Partial Amendment to the Trademark Act)

Article 4 The Trademark Act is partially amended as follows: The following paragraph is added to Article 26:

- (3) A trademark right has no effect on any of the following acts; provided, however, that this is limited to cases where such act has not the purpose of unfair competition:
- (i) affixing a Geographical Indication (hereinafter referred to as a "Geographical Indication" in this paragraph) as prescribed in Article 2, paragraph (3) of the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 84 of 2014; hereinafter referred to as the "Specific Agricultural, Forestry and Fishery Product and Foodstuff Name Protection Act" in this paragraph) on goods or their package pursuant to the provisions of Article 3, paragraph (1) of the Specific Agricultural, Forestry and Fishery Product and Foodstuff Name Protection Act;
  - (ii) assigning, delivering, displaying for the purpose of assignment or delivery, export or import goods or packages of goods to which a Geographical Indication is affixed, pursuant to the provisions of Article 3, paragraph (1) of the Specific Agricultural, Forestry and Fishery Product Name Protection Act; or
  - (iii) displaying invoices of goods to which a Geographical Indication is affixed, pursuant to the provisions of Article 3, paragraph (1) of the Specific Agricultural, Forestry and Fishery Product and Foodstuff Name Protection Act.

(Partial Amendment to Registration and License Tax Act)

Article 5 The Registration and License Tax Act (Act No. 35 of 1967) is partially amended as follows:

The following is added after item (87) of Appended Table 1:

87-2 Registration of Registered Group of Producers or Registration of Change		
Registration of a Group of Producers registered as prescribed in Article 6 (Registration of Specific Agricultural, Forestry and Fishery Products) of the Act on Protecting the Names of Specific Agricultural, Forestry and Fishery Products (Act No. of 2014) or registration of change as prescribed in Article 15, paragraph (1) of said Article (Registration of Change to Add Group of Producers)	Number of registrations	90,000 yen per registration

(Delegation to Cabinet Orders)

Article 6 In addition to what is provided in Article 3 of the Supplementary Provisions, any matter necessary for the enforcement of this Act is provided by Cabinet Order.

