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STUDY GROUP REPORT

Final Report from the Study Group on a Comprehensive Legal System for Communications and Broadcasting

MIC has convened the Study Group on a Comprehensive Legal System for Communications and Broadcasting (Chair: Professor Emeritus HORIBE Masao, Hitotsubashi University) since August 2006, and now releases the final report compiled by the Study Group.

Background

MIC has held the meetings of Study Group on a Comprehensive Legal System for Communications and Broadcasting since August 2006 in order to research and study the legal system for convergence/linkage of communications and broadcasting from a technical perspective, as well as to identify the direction of deliberations on the legal system tailored to convergence/linkage of communications and broadcasting.

The Study Group compiled its final report at the 20th meeting held on December 6, 2007.

Overview

The overview of the final report is as follows:

- (1) Recognition of the current situation
- (2) Necessity to review the legal system for communications and broadcasting
- (3) Review direction
- (4) Legal system for content
- (5) Legal system for platforms
- (6) Legal system for transmission infrastructure
- (7) Interlay rules, etc.

Future schedule

Based on this report, MIC aims to submit a bill in the 2010 ordinary diet session through consultation and reporting from the Telecommunications Council.

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1. The necessity to review the legal system for communications and broadcasting

1. Responding to the structural changes in the information and communications society

<p>Information and communications society</p> <p>"Vertical structure" that limits markets and usage patterns according to the physical attributes of each medium</p> <p>"Horizontal type" layered structure which would enable free combinations of contents and networks</p>	<p>Fusion of transmission routes</p>	<p>Development of information and communications infrastructure construction</p> <p>Technological innovations brought about by digital and IP technology</p>
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2. Putting in place a free business environment through the large-scale bundling of the market
 Creating new services and new markets by building a horizontal business model that goes beyond existing vertical media

3. Measures for the protection of the user that are both consistent and uniform
 The necessity for effective protective measures for users for relativizing the digital divide and the contents of media services

4. Rapid responses to technological innovation
 A further pick-up in the speed of technological development in areas such as optical and the move to IP

5. Responding to the internationalization of networks
 Keeping an eye on advances in information and communications becoming borderless, the problems of criminal activity and harmful information on the Internet, and strengthening international competitiveness

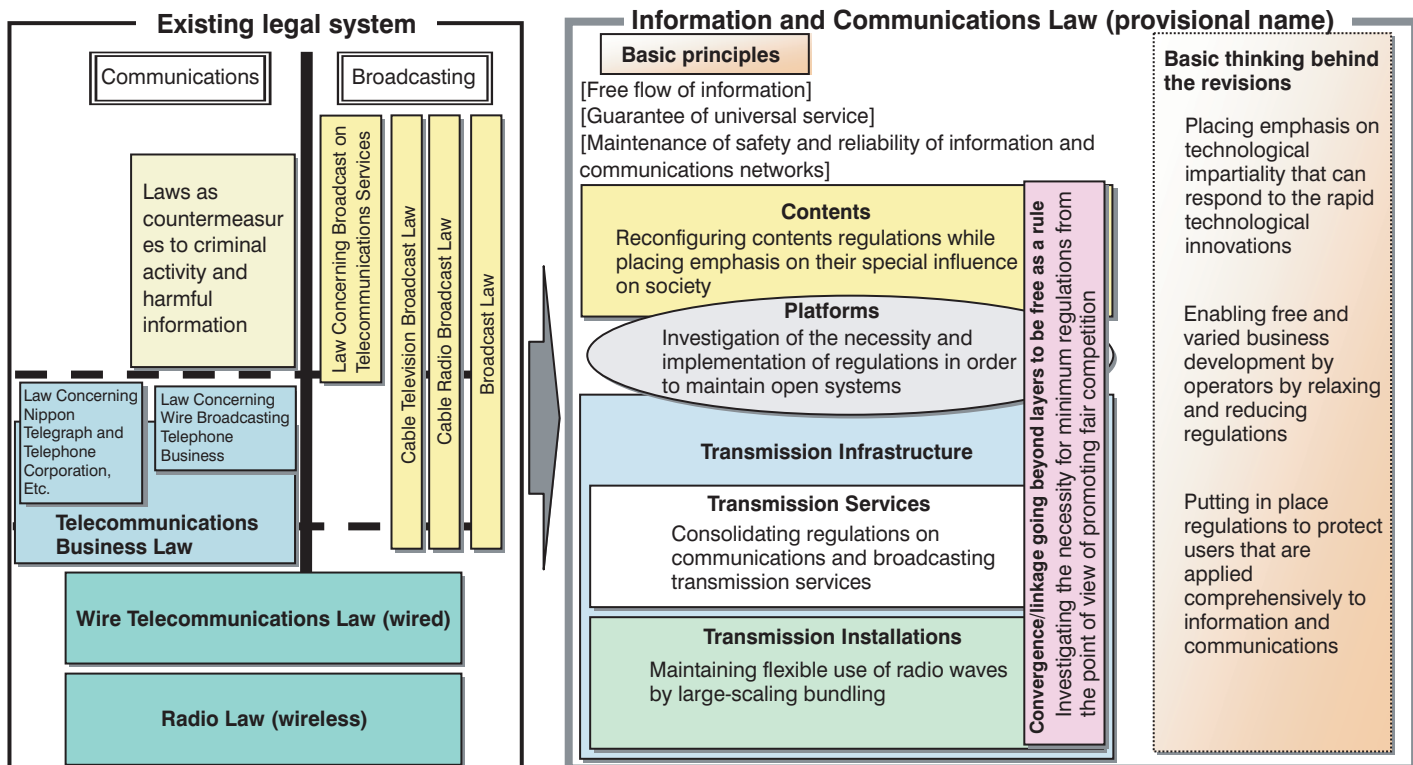


There is a need to undertake a fundamental revision of the legal system for communications and broadcasting

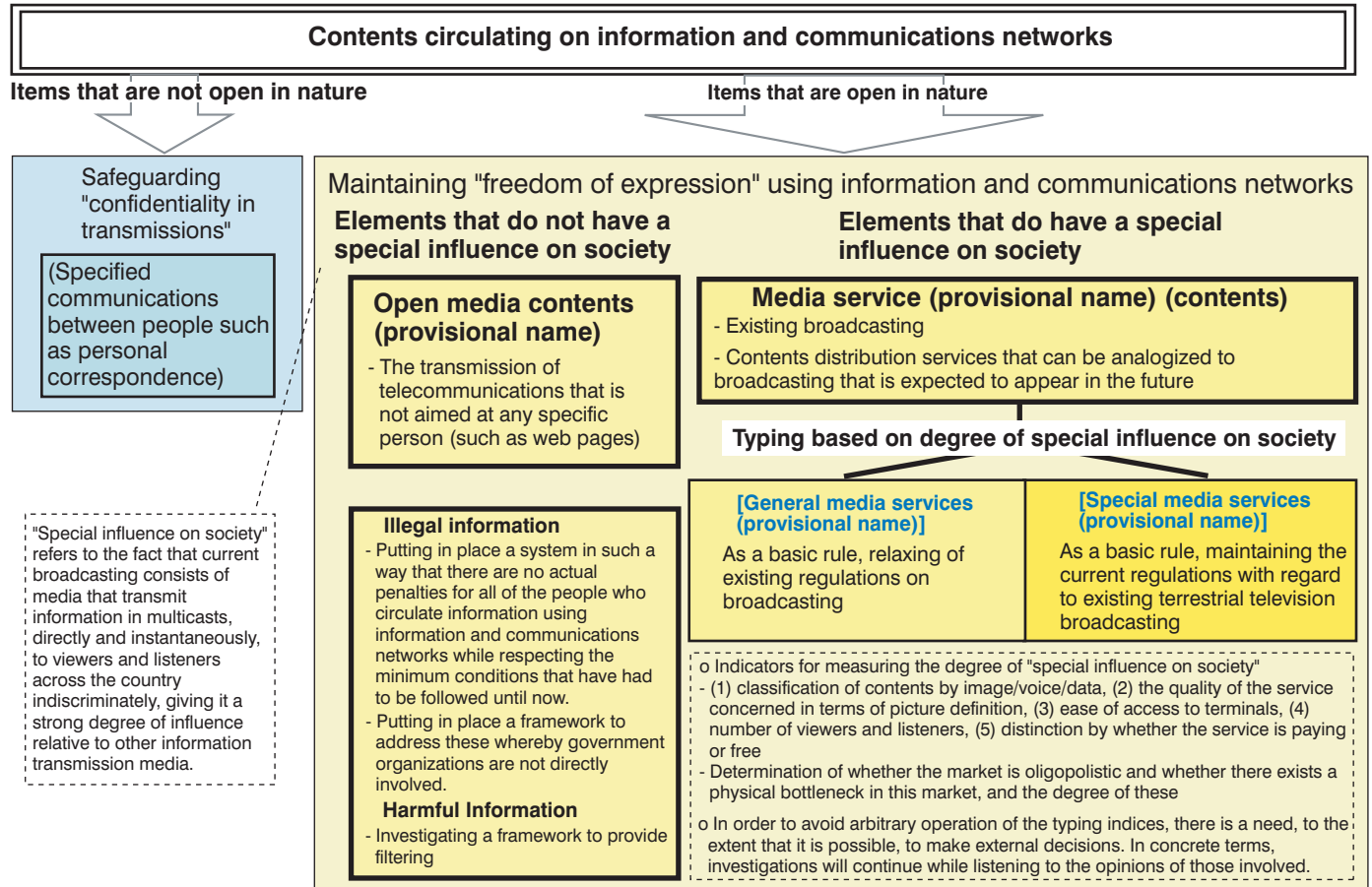
2. Fundamental reorganization of the legal system for communications and broadcasting

Change the current "vertical structure" to a "layered construction" and so put in place the worlds most advanced legal system

Unify the current communications and broadcasting legal systems into a single "Information and Communications Law" (provisional name)



3. Legal system for contents



5. Legal system for platforms, and interlay rules

Legal system for platforms

- At present, there is no great necessity to enact regulations for platform layers as independent from other layers
- Taking into consideration that the "free circulation of information" might be harmed by platforms creating a new bottleneck, investigations are under way on measures and their necessity to secure open systems such as the prohibition against inappropriate discriminatory handling.

* The designation of platforms refers to services that, in coordination with physical telecommunications facilities, act as an intermediate between numerous operators or between operators and users to bring about smooth flow in the delivery of contents, electronic commerce, provision of public services and other information, as well as improvements in their safety and convenience.

Interlay rules

- Basic freedom in operators being able to promote their business development beyond layers
- Investigating the necessity to put in place interlay regulations such as trading regulations that go beyond layers or top-down inter-trade regulations for the flow of information that is essential to people's lives, and the maintenance of pluralism in media and promotion of fair competition.

6. Future investigations

Designing a concrete system

- An inquiry should be made to the Information and Telecommunications Council as rapidly as possible to put in place a new investigation platform to create a concrete image of a new legal system

Future issues

- There should also be discussions on the possibility of redesigning existing legislation such as copyright laws, in coordination with relevant government offices, as a "comprehensive ubiquitous network legal system."

(Reference) Changes made from the interim report

- Addition of the necessity to put in place regulations to protect users that apply comprehensively to information and communications.
- Clarification that "freedom of expression" in using information and communications networks should be safeguarded.
- Addition of necessity to put in place a framework for dealing with illegal information in which government organizations are not directly involved.
- Addition of fact that there is no great necessity to enact regulations for platform layers as independent from other layers.