

**Law Concerning Broadcast on  
Telecommunications Services**

**(Law No.85 of June 29,2001)**

**(Unofficial Translation)**

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## **Chapter I: General Provisions**

### **(Purpose)**

#### **Article 1**

The purpose of this law is to protect the interests of the audience of broadcast on telecommunications services and to strive for the sound development of broadcast on telecommunications services by rendering the operation of the business activity of broadcast on telecommunications services appropriate thereof so as to contribute to the promotion of public welfare.

### **(Definitions)**

#### **Article 2**

- (1) "Broadcast on telecommunications services" in this law means transmission of telecommunications intended to be directly received by the public, all or part of which is transmitted on telecommunications service provided by a person who operates telecommunications business.
- (2) "Equipment for broadcast on telecommunications services" means telecommunications equipment provided for use in broadcast on telecommunications services.
- (3) "Broadcaster on telecommunications services" means a person who has obtained a registration provided for in paragraph (1) of the following article.
- (4) "Telecommunications," "telecommunications equipment," "telecommunications service" and "telecommunications business" in this law have the same meanings, respectively, as telecommunications, telecommunications facilities, telecommunications service and telecommunications business as defined, respectively, in Article 2 items i) through iv) of the Telecommunications Business Law (Law No. 86 of 1984).

## **Chapter II: Registration**

### **(Registration)**

#### **Article 3**

- (1) A person seeking to conduct the business activity of broadcast on telecommunications services must obtain registration from the Minister for Public Management, Home Affairs, Posts and Telecommunications.
- (2) A person seeking to obtain the registration mentioned in the preceding paragraph shall, in accordance with the provisions of the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications, submit to the Minister for Public Management, Home Affairs, Posts and Telecommunications an application stating the following matters:
  - i) Name and address, and in the case of a corporation, the name of its representative;
  - ii) Type of broadcast on telecommunications service as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications;
  - iii) A summary of equipment for broadcast on telecommunications services; and
  - iv) Service area.
- (3) A business plan and other documents as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications shall be attached to the application mentioned in the preceding paragraph.

#### **(Effectuation of Registration)**

##### **Article 4**

- (1) In the case where an application for the registration mentioned in paragraph (1) of the preceding article has been filed, the Minister for Public Management, Home Affairs, Posts and Telecommunications shall register the following matters on the broadcaster on telecommunications services registration book, except when the Minister shall refuse the registration in accordance with the provisions of the paragraph (1) of the following article:
  - i) The matters listed in each item of paragraph (2) of the preceding article; and
  - ii) Date of registration and registration number.
- (2) When registration in accordance with the provisions mentioned in the preceding paragraph has been performed, the Minister for Public Management, Home Affairs,

Posts and Telecommunications shall notify that effect to the applicant without delay.

**(Refusal of Resistration)**

**Article 5**

If a person who has filed an application mentioned in Article 3 paragraph (2) falls under any one of the following items, if said application or any documents attached thereto includes any false information on any important matter or fails to provide any important information, the Minister for Public Management, Home Affairs, Posts and Telecommunications shall refuse registration:

- i) A person who has been sentenced to a fine or severer penalty in accordance with the provisions of this Law, the Radio Law (Law No. 131 of 1950), the Broadcast Law (Law No. 132 of 1950), the Law to Regulate the Operation of the Cable Sound Broadcasting Service (Law No. 135 of 1951), the Cable Telecommunications Law (Law No. 96 of 1953) or the Cable Television Broadcast Law (Law No. 114 of 1972) if a period of two years has not yet elapsed since the day on which such penalty was either executed or became unenforceable;
  - ii) A person whose registration was revoked in accordance with the provisions of Article 9 Paragraph (1), and if a period of two years has elapsed since the day of such revocation;
  - iii) A juridical person any of whose officers falls under any one of the preceding two items;
  - iv) A person who does not have an adequate financial basis and technical capability to properly perform the business activity of broadcast on telecommunications services;
  - v) A person who cannot use equipment for broadcast on telecommunications services that satisfies the technical standards as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications based on title; or
  - vi) A person who does not conform with the standards as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications so as to enable as many person as possible to conduct broadcast on telecommunications services.
- (2) When registration has been refused in accordance with the provisions of the preceding paragraph, the Minister for Public Management, Home Affairs, Posts

and Telecommunications shall notify the applicant without delay, indicating the reasons for the refusal.

**(Registration of Change, Etc.)**

**Article 6**

When a broadcaster on telecommunications services seeks to change any of the matters listed in Article 3 paragraph (2) items ii) through iv), said broadcaster shall obtain an amended registration from the Minister for Public Management, Home Affairs, Posts and Telecommunications. However, this shall not apply to minor changes as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications.

- (2) A person seeking to obtain registration of change mentioned in the preceding paragraph shall, in accordance with the provisions of the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications, file against the Minister for Public Management, Home Affairs, Posts and Telecommunications an application which describes the matters related to the change.
- (3) The provisions of Article 3 paragraph (3), Article 4 and the preceding article shall apply, mutatis mutandis, to the registration of change mentioned in paragraph (1). In this case, "the following matters" in Article 4 paragraph (1) shall be read as "the matters related to change"; "a person who has filed an application mentioned in Article 3 paragraph (2) falls under any one of the following items" in paragraph (1) of the preceding article shall be read as "a person who has filed an application related to registration of change falls under any one of the following items (except item ii))."
- (4) When any of the matters listed in Article 3 paragraph (2) item i) have been changed, a broadcaster on telecommunications services shall submit a notification to that effect to the Minister for Public Management, Home Affairs, Posts and Telecommunications without delay. Where that notification is submitted, the Minister for Public Management, Home Affairs, Posts and Telecommunications shall change the registration concerned without delay.

**(Succession)**

**Article 7**

When a broadcaster on telecommunications services has transferred the entire business conducting the business activity of broadcast on telecommunications services or inheritance, merger or spin-off (limited to one that causes the succession to the entire business conducting the business activity of broadcast on telecommunications services) with respect to a broadcaster on telecommunications services has been completed, the transferee of the entire business concerned, the inheritor (in the case where more than one inheritor exists, when they have selected one inheritor, upon the negotiation of all inheritors, who shall inherit the business conducting the business activity of broadcast on telecommunications services, that person; hereinafter the same shall apply in this paragraph), the juridical person who continues to exist after the merger or who has been established as a result of the merger, or the juridical person who has succeeded to the entire business concerned as a result of the spin-off shall succeed to the position of the said broadcaster on telecommunications services. However, this shall not apply if the transferee of the entire business concerned, the inheritor, the juridical person who continues to exist after the merger or who has been established as a result of the merger, or the juridical person who has succeeded to the entire business concerned as a result of the spin-off falls under any one of the items i) through iii) or the item vi) of Article 5 paragraph (1).

- (2) A person who has succeeded to the position of the broadcaster on telecommunications services in accordance with the provisions of the preceding paragraph shall submit a notification to that effect to the Minister for Public Management, Home Affairs, Posts and Telecommunications without delay.
- (3) The provisions of the second sentence of paragraph (4) of the preceding article shall apply, mutatis mutandis, to notification in accordance with the provisions of the preceding paragraph.

#### **(Notification of Abolition, Etc. of Business Activities)**

##### **Article 8**

When the business activity of broadcast on telecommunications services has been abolished, the broadcaster on telecommunications services shall submit a notification to that effect to the Minister for Public Management, Home Affairs, Posts and Telecommunications without delay.

- (2) When a juridical person who is a broadcaster on telecommunications services has been dissolved due to reasons other than merger, the liquidator thereof (in the case

where dissolution is due to bankruptcy, the trustee in bankruptcy) shall submit a notification to that effect to the Minister for Public Management, Home Affairs, Posts and Telecommunications without delay.

### **(Revocation of Registration)**

#### **Article 9**

The Minister for Public Management, Home Affairs, Posts and Telecommunications may revoke the registration mentioned in Article 3 paragraph (1) if a broadcaster on telecommunications services falls under any one of the following items:

- i) When the broadcaster on telecommunications services has come to fall under Article 5 paragraph (1) item i) or item iii);
  - ii) When, in the case where the broadcaster on telecommunications services has violated an order in accordance with the provisions of Article 16 paragraph (3), the interests of the audience of broadcast on telecommunications services are determined to be impaired;
  - iii) When the broadcaster on telecommunications services has failed, without due reasons, to commence the business activity of broadcast on telecommunications services within one year of obtaining registration or has suspended the business activity of broadcast on telecommunications services for more than one year continuously; or
  - iv) When the broadcaster on telecommunications services has obtained registration mentioned in Article 3 paragraph (1) or registration of change mentioned in Article 6 paragraph (1) through dishonest means.
- (2) The provisions of Article 5 paragraph (2) shall apply, *mutatis mutandis*, to the cases mentioned in the preceding paragraph.

### **(Striking out of Registration)**

#### **Article 10**

When a notification in accordance with the provisions of Article 8 paragraph (1) or paragraph (2) has been filed, or when the Minister for Public Management, Home Affairs, Posts and Telecommunications has revoked registration in accordance with the provisions of paragraph (1) of the preceding article, the Minister shall strike out the registration of the broadcaster on telecommunications services concerned.

## **Chapter III: Business Activities**

### **(Maintenance of Equipment)**

#### **Article 11**

A broadcaster on telecommunications services shall maintain the equipment for broadcast on telecommunications services related to the registration mentioned in Article 3 paragraph (1) in such a manner as to satisfy the technical standards as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications mentioned in Article 5 paragraph (1) item v).

### **(Retransmission)**

#### **Article 12**

A broadcaster on telecommunications services shall not receive and retransmit the broadcast on telecommunications services or broadcast (meaning a broadcast mentioned in Article 2 item i) of the Broadcast Law and including entrusted broadcasts and broadcasts which are received and retransmitted by a person who has been granted a license for a radio station of relay broadcasting for eliminating receiving interference mentioned in Article 5 paragraph (5) of the Radio Law; the same shall apply in Article 15) of another broadcaster on telecommunications services or broadcaster (meaning a broadcaster mentioned in Article 2 item iii)-2 of the Broadcast Law, except a facility-supplying broadcaster mentioned in item iii)-4 of the same article; the same shall apply in Article 15) without the consent thereof.

### **(Paid broadcast on telecommunications services)**

#### **Article 13**

When a broadcaster on telecommunications services seeks to provide a paid service of broadcast on telecommunications services, the broadcaster shall specify a contract clause with respect to charges within said broadcaster's domestic service area and other conditions, and submit a notification to the Minister for Public Management, Home Affairs, Posts and Telecommunications before the effectuation thereof. The same shall apply when seeking to change said contract clause as well.

- (2) A broadcaster on telecommunications services who provides a paid service of broadcast on telecommunications services shall not, within said broadcaster's domestic service area, provide a paid service of broadcast on telecommunications

services under conditions other than that contract clause noticed in accordance with the provisions of the preceding paragraph.

**(Obligation to Provide Service)**

**Article 14**

A broadcaster on telecommunications services shall not, without due reasons, refuse to provide the service of broadcast on telecommunications services within said broadcaster's domestic service area.

**(Mutatis Mutandis Application of the Broadcast Law)**

**Article 15**

The following provisions of the Broadcast Law shall apply, mutatis mutandis, with respect to broadcast on telecommunications services (except the broadcast in which the broadcast on telecommunications services of another broadcaster on telecommunications services or broadcaster's broadcast is received and simultaneously retransmitted without any change to its contents): Article 3, Article 3-2 (except paragraph (2)), Articles 3-3 through Article 5, Articles 51 through Article 52-3 and Article 52-27. In this case, "broadcaster" in Article 3-2 (except paragraph (2)), Articles 3-3 through Article 3-5, Article 4 paragraph (1) and paragraph (2), as well as Article 5 of the same law, "private broadcaster" in Article 51 paragraph (2) and Articles 51-2 through 52-3 of the same law, and "program-supplying broadcaster" in Article 52-27 of the same law shall be read as "broadcaster on telecommunications services"; "broadcasting system" contained in Article 4 and "broadcast equipment" in Article 52 of the same law shall be read as "equipment for broadcast on telecommunications services"; "The broadcast program consultative organization for a private broadcaster [shall consist of] seven committee members [or more] (except a broadcast program consultative organization for a private broadcaster conducting exclusive multiplex broadcasting which shall consist of committee members less than seven in accordance with the provisions of the Ordinance of the Ministry of Posts and Telecommunications)" in Article 51 paragraph (1) of the same law shall be read as "The broadcast program consultative organization for a broadcaster on telecommunications services [shall consist of] seven committee members"; "the service area of the broadcast station (which means the service area mentioned in Article 14 paragraph (3) item iii) of the Radio Law; hereinafter the same) of a private broadcaster (except the program-supplying broadcaster who entrusts broadcasting the Entrusted domestic and overseas broadcasting; hereinafter the same in this paragraph) or the service area of a facility-supplying broadcast (hereinafter referred to as the "service area" in this paragraph)", "the service area of another private

broadcaster", and "the service area of either of the private broadcasters" in Article 51 paragraph (3) of the same law shall be read as "the service area of a broadcaster on telecommunications services"; "these private broadcasters" in the same paragraph shall be read as "these broadcasters on telecommunications services"; "of [another] broadcaster" in Article 52 of the same law shall be read as "of [another] broadcaster on telecommunications services"; "entrusted domestic and overseas broadcasting" in Article 52-27 of the same law shall be read as "broadcast on telecommunications services intended to be received domestically and overseas"; and "the target" in the same Article shall be read as "the service area".

## **Chapter IV: Miscellaneous Provisions**

### **(Order for Improvement, Etc.)**

#### **Article 16**

When it is determined that the equipment for broadcast on telecommunications services does not satisfy the technical standards as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications mentioned in Article 5 paragraph (1) item v), the Minister for Public Management, Home Affairs, Posts and Telecommunications may order a broadcaster on telecommunications services to improve the equipment for broadcast on telecommunications services concerned such that it satisfies said technical standards.

- (2) When it is determined that the conditions specified in the contract clause noticed in accordance with the provisions of Article 13 paragraph (1) impair the interests of the audience of broadcast on telecommunications services in the domestic service area of the broadcaster on telecommunications services concerned, the Minister for Public Management, Home Affairs, Posts and Telecommunications may order the broadcaster on telecommunications services to change said contract clause.
- (3) When a broadcaster on telecommunications services has violated this Law, an order based on this Law or a disposition based on either this Law or such an order, the Minister for Public Management, Home Affairs, Posts and Telecommunications may order the suspension of all or part of the business activities of the broadcaster on telecommunications services fixing a period not longer than three months.

## **(Reports and Inspections)**

### **Article 17**

Within the limit necessary for the enforcement of this Law, the Minister for Public Management, Home Affairs, Posts and Telecommunications may request broadcaster on telecommunications services to submit a report on the status of equipment for broadcast on telecommunications services and other necessary matters; have ministerial staffs enter the place where the broadcaster on telecommunications services has established equipment for broadcast on telecommunications services and inspect said equipment; or, in accordance with the provisions of the applicable a Cabinet Order, request a broadcaster on telecommunications services to submit a report on the status of the business activities of broadcast on telecommunications carriers' facilities.

- (2) Any staff who exercises a spot inspection in accordance with the provisions of the preceding paragraph shall carry with them their identification cards and show them to the persons concerned.
- (3) The authority of a spot inspection in accordance with the provisions of paragraph (1) shall not be construed as having been approved for the purpose of a criminal investigation.

## **(Inquiry of the Radio Regulatory Council)**

### **Article 18**

The Minister for Public Management, Home Affairs, Posts and Telecommunications shall inquire of the Radio Regulatory Council in any of the following matters:

- i) The establishment, amendment or abolition of an ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications mentioned in Article 5 paragraph (1) item v) or vi) or Article 22 paragraph (1) item ii) or iii);
  - ii) The revocation of a registration in accordance with the provisions of Article 9 paragraph (1); and
  - iii) The order in accordance with the provisions of Article 16 paragraph (2).
- (2) Of the matters listed in items i) and iii) of the preceding paragraph, the Minister for Public Management, Home Affairs, Posts and Telecommunications may, without inquiry of the Radio Regulatory Council, take measures with respect to those which are determined to be less important by the Radio Regulatory Council.

**(Hearing)**

**Article 19**

Where a matter has been inquired in accordance with the provisions of item i) or item ii) of paragraph (1) of the preceding article, the Radio Regulatory Council shall hold a hearing.

- (2) In addition to the case in the preceding paragraph, the Radio Regulatory Council may hold a hearing when determining necessary in the case where the Council is inquired in accordance with the provisions of item iii) of paragraph (1) of the preceding article.
- (3) The provisions of Article 99-12 paragraphs (3) through (8) of the Radio Law shall apply, mutatis mutandis, to the hearing mentioned in the preceding two paragraphs.

**(Recommendations)**

**Article 20**

The Radio Regulatory Council may grant necessary recommendations to the Minister for Public Management, Home Affairs, Posts and Telecommunications with respect to the matters listed in any of the items of paragraph (1) of Article 18.

- (2) When having received the recommendation of the preceding paragraph, the Minister for Public Management, Home Affairs, Posts and Telecommunications shall make public its contents.

**(Petition of Objection and Lawsuit)**

**Article 21**

The provisions of Chapter VII and Article 115 of the Radio Law shall apply, mutatis mutandis, to petitions of objection and lawsuits against dispositions by the Minister for Public Management, Home Affairs, Posts and Telecommunications in accordance with the provisions of this Law or an order based upon this Law.

**(Exemption from This Law, Etc.)**

**Article 22**

The provisions of this Law shall not apply with respect to the following broadcast on telecommunications services:

- i) A broadcast on telecommunications services that falls under cable sound broadcasting mentioned in Article 2 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service;
  - ii) A broadcast on telecommunications services that falls under cable television broadcasting mentioned in Article 2 paragraph (1) of the Cable Television Broadcast Law and that is conducted using equipment for broadcast on telecommunications services whose scale does not exceed standards as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications; and
  - iii) A broadcast on telecommunications services all of which is conducted on telecommunications service provided by a person who operates a telecommunications business mentioned in Article 90 paragraph (1) item ii) of the Telecommunications Business Law; and other broadcast on telecommunications services (except those which falls under the preceding two items) as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications as one that does not present the risk of impairing the interests of the audience or the sound development of broadcast on telecommunications services from the viewpoint of transmission technology, conditions of service, etc.
- (2) Notwithstanding the provisions of the preceding paragraph, the provisions of Article 3 of the Broadcast Law which is applied, mutatis mutandis, in Article 15 shall also apply with respect to broadcast on telecommunications services listed in item iii) of the same paragraph.

**(Comission to the ministerial ordinances of the Ministry of Public Management, Home Affairs, Posts and Telecommunications)**

**Article 23**

In addition to matters specified in this Law, matters necessary for the implementation of this Law shall be specified by ministerial ordinances of the Ministry of Public Management, Home Affairs, Posts and Telecommunications.

**(Transitional Measures)**

**Article 24**

When any orders are established, amended or abolished based upon the provisions of this Law, necessary transitional measures (including those concerning penal provisions)

may be specified in that order to such extent as deemed to be reasonably necessary in establishing, amending or abolishing that order.

## **Chapter V: Penal Provisions**

### **Article 25**

A person who falls under any one of the following items shall be guilty of an offense and liable to penal servitude for a term not exceeding six months or to a fine not exceeding five hundred thousand yen:

- i) A person who has conducted the business activity of broadcast on telecommunications services in violation of the provisions of Article 3 paragraph (1); or
- ii) A person who has violated an order to suspend business activities in accordance with the provisions of Article 16 paragraph (3).

### **Article 26**

A person who falls under any one of the following items shall be guilty of an offense and liable to a fine not exceeding five hundred thousand yen:

- i) A person who has changed any matters listed in Article 3 paragraph (2) items ii) through iv) in violation of the provisions of Article 6 paragraph (1); or
  - ii) A person who has violated the provisions of Article 4 paragraph (1) of the Broadcast Law which is applied, *mutatis mutandis*, in Article 15.
- (2) The prosecution of the offence mentioned in item ii) of the preceding paragraph, if it relates to private affairs, shall only take place upon complaints.

**Article 27** A person who falls under any one of the following items shall be guilty of an offense and liable to a fine not exceeding three hundred thousand yen:

- i) A person who has provided domestically a paid service of broadcast on telecommunications services not under a contract clause noticed in accordance with the provisions of Article 13 paragraph (1);

- ii) A person who has violated an order in accordance with the provisions of Article 16 paragraph (2); or
- iii) A person who has failed to submit a report in accordance with the provision of Article 17 paragraph (1), submitted a false report, or refused, hindered or evaded an inspection by a ministerial staff in accordance with the same provision.

### **Article 28**

When a representative of a juridical person, or an agent, employee or other worker of a juridical person or a person has committed any violations mentioned in the preceding three articles concerning the business activities of the said juridical person or person, not only shall the violator be punished, but also the juridical person or the person concerned shall be punished with the fine mentioned in each article.

- (2) In the case mentioned in the preceding paragraph, the complaint mentioned in Article 26 paragraph (2) brought against the violator shall also be effective to the juridical person or the person concerned, and the complaint brought against the juridical person or the person shall also be effective to the actor.

### **Article 29**

A person who has failed to submit a notification in accordance with the provisions of Article 6 paragraph (4), Article 7 paragraph (2), or Article 8 paragraph (1) or paragraph (2), or has submitted a false notification, shall be liable to an administrative fine not exceeding two hundred thousand yen.

## **Supplementary Provisions**

### **(Date of Enforcement)**

#### **Article 1**

This Law shall come into force as of the date specified in the applicable cabinet order to such extent not exceeding one year counted from the day of promulgation. However, the provisions of Article 18 paragraph (1) (limited to the portion related to item i)) shall come into force as of the day of promulgation.

### **(Review)**

#### **Article 2**

The Government shall take into account the status of enforcement of this Law in case of where three years have elapsed after the enforcement hereof and, when determining necessary, review the provisions hereof and take necessary measures based upon the conclusion of the review.

### **(Transitional Measures Related to Broadcast on Telecommunications Services)**

#### **Article 3**

A person (except a person mentioned in paragraph (1) of the following article) who is actually conducting a business activity of broadcast on telecommunications services (except a broadcast listed in any one of the items of Article 22 paragraph (1); hereinafter the same shall apply in this paragraph and in paragraph (1) of the following article) at the time of enforcement of this Law may, notwithstanding the provisions of Article 3 paragraph (1), continue to conduct said business activity of broadcast on telecommunications services for a period of six months from the date of enforcement hereof ( when disposition of refusal of registration in accordance with the provisions of Article 5 paragraph (1) has been taken within said six-month period, until the date of disposition). In the case where said person has filed an application for registration mentioned in Article 3 paragraph (1) within said six-month period, when the period has elapsed, the same shall apply until a disposition of either registration or refusal of registration with respect to the application is taken.

- (2) With respect to the application of the provisions of Article 13 paragraph (1) in the case where a person mentioned in the preceding paragraph has obtained the registration mentioned in Article 3 paragraph (1), "before the effectuation thereof"

in the same paragraph shall be read as "without delay after the registration mentioned in Article 3 paragraph (1)".

#### **Article 4**

A person who is actually conducting a business activity of cable television broadcasting (limited to one that falls under broadcast on telecommunications services) related to a notification in accordance with the provisions of Article 12 of the Cable Television Broadcast Law before its amendment in accordance with the provisions of Supplementary Provisions Article 8 (hereinafter referred to as the "Old Cable Television Broadcast Law" in this article ) at the time of enforcement of this Law may, notwithstanding the provisions of Article 3 paragraph (1), continue to conduct said business activity of cable television broadcasting for a period of three years from the date of enforcement hereof (when the dispositions of registration mentioned in Article 3 paragraph (1) or refusal of registration in accordance with the provisions of Article 5 paragraph (1) has been taken within said three-year period, until the date of disposition). In the case where said person has applied for the registration mentioned in Article 3 paragraph (1) within said three-year period, when the period has elapsed before disposition, said person may continue to conduct said business activity until a disposition of either registration or refusal with respect to registration is taken.

- (2) In the case where a person is able to continue to conduct said business activity of cable television broadcasting in accordance with the provisions of the preceding paragraph, the provisions of the Cable Television Broadcast Law shall, notwithstanding the provisions of Article 31 thereof after its amendment in accordance with the provisions of Supplementary Provisions Article 8, apply with respect to said person mentioned in the preceding paragraph.
- (3) When a person mentioned in paragraph (1) seeks to change a matter noticed in accordance with the provisions of Article 12 of the Old Cable Television Broadcast Law, then notwithstanding the provisions of the same paragraph, said person shall obtain the registration mentioned in Article 3 paragraph (1) except in the case as specified in the applicable ministerial ordinance of the Ministry of Public Management, Home Affairs, Posts and Telecommunications.
- (4) When a person mentioned in paragraph (1) who has received the consent mentioned in Article 13 paragraph (2) of the Old Cable Television Broadcast Law

has obtained the registration mentioned in Article 3 paragraph (1), then said consent shall be deemed as the consent mentioned in Article 12.

- (5) The provisions of paragraph (2) of the preceding article shall apply, mutatis mutandis, with respect to a person mentioned in paragraph (1).

### **(Partial Amendment of the Radio Law)**

#### **Article 5**

A portion of the Radio Law shall be amended as follows.

"those for the purpose of telecommunications service," in Article 5 paragraph (4) shall be added after "radio stations (except" .

"(except the ones for the purpose of conducting telecommunications service. In paragraph (7) item iv), the following article paragraph (2) item ii) and item iv), paragraph (3),, Article 14 paragraph (3) and Article 17 paragraph (1), the same shall apply.)" shall be added after "a radio station license for broadcast purpose" in Article 6 paragraph (2).

"the following items" in Article 7 paragraph (1) shall be changed to "all of the following items", and "to broadcast" in item iii) of the same paragraph shall be amended to to broadcast (except radio stations for the purpose of conducting telecommunications service)".

"(except those for the purpose of conducting telecommunications service)" in Article 26 paragraph (2) and Article 52 shall be added after "radio stations for broadcast" .

In Article 99-2 "radio waves and broadcast" shall be amended to "radio waves, broadcast"; "Article 99-12 paragraph (2)" shall be deleted; "and broadcast on telecommunications service provided in Article 2 paragraph (1) of the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001)" shall be added after "Article 108-2 paragraph (1)"; and "and the Broadcast Law" shall be amended to ", the Broadcast Law and the Law Concerning Broadcast on Telecommunications Service."

", a broadcaster on telecommunications services provided in Article 2 paragraph (3) of the Law Concerning Broadcast on Telecommunications Service" shall be added after "broadcaster" in item iii) of the same paragraph.

"and Article 9 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service" in Article 99-14 paragraph (2) shall be amended to ", Article 9 of the Law to Regulate the Operation of the Cable Sound Broadcasting Service and Article 21 of the Law Concerning Broadcast on Telecommunications Service"; and "or Article 53-11 of the Broadcast Law" shall be amended to ", Article 53-11 of the Broadcast Law or Article 19 of the Law Concerning Broadcast on Telecommunications Service".

"and those for the purpose of telecommunications service" shall be added after "those referred to in items iii) and vii)" in item vi) in Table of Article 103-2 paragraph 1.

### **(Partial Amendment of the Broadcast Law)**

#### **Article 6**

A portion of the Broadcast Law shall be amended as follows.

In Article 6,"or broadcast on telecommunications service (this has the same meaning as broadcast on telecommunications service as defined in Article 2 paragraph (1) of the Law Concerning Broadcast on Telecommunications Service (Law No.85 of 2001); hereinafter the same shall apply)" shall be added after "entrusted broadcasts"); and "unless the latter's consent is obtained" shall be amended to "or the broadcaster on telecommunications service (this has the same meaning as a broadcaster on telecommunications service as defined in paragraph (3) of the same article; hereinafter the same shall apply) unless the former's or the latter's consent is not obtained", broadcaster on telecommunications service" shall be added after " facility-supplying broadcaster)" in Article 16 paragraph (4) item vi).

", broadcaster on telecommunications service" shall be added after "facility-supplying broadcaster)" in Article 27 paragraph (5).

"and business of broadcast on telecommunications service" shall be added after the phrase, "facility-supplying broadcast enterprise)" in Article 30 paragraph (2).

In Article 52-13 paragraph (1), "each of the following items" shall be amended to "all of the following items"; and "or the Law Concerning Broadcast on Telecommunications Service" shall be added after "this Law" in item v)(e) of the same paragraph.

In Article 53-9-2, "Article 52-4 paragraphs (1) and (3)" shall be amended to " Article 52-4 paragraphs (1), (4) and (7)"; the same article shall be amended to Article 53-9-3; and the following article shall be added after Article 53-9.

**(Exemption from This Law)**

**Article 53-9-2**

The provisions of this Law shall not apply with respect to a broadcast that falls under the broadcast on telecommunications service.

**(Partial Amendment of the Law to Regulate of Operation of the Cable Sound Broadcasting Service)**

**Article 7**

A portion of the Law to Regulate the Operation of the Cable Sound Broadcasting Service shall be amended as follows.

"and broadcaster on telecommunications servicementioned in Article 2 paragraph (3) of the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001)" shall be added after "the same article".

**(Partial Amendment of the Cable Television Broadcast Law)**

**Article 8**

A portion of the Cable Television Broadcast Law shall be amended as follows.

In Article 2 paragraph (2),, "and broadcast on telecommunications service (this has the same meaning as broadcast on telecommunications service as defined in Article 2 paragraph (1) of the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001); hereinafter the same shall apply" shall be added after the phrase, "the reception of broadcasting".

In Article 13 paragraph (2), "or broadcast on telecommunications services" shall be added after "in this Article"); "or a broadcaster on telecommunications service (this has the same meaning as broadcaster on telecommunications service as defined in Article 2 paragraph (3) of the Law Concerning Broadcast on Telecommunications Service; hereinafter in this article, the same shall apply) shall be added after "the Broadcast Law);; and "this broadcaster's consent" shall be amended to "these broadcasters' consent.""or broadcaster on telecommunications service" shall be added after "with broadcasters" in Article 13 paragraph (3). "or broadcaster on telecommunications service" shall be added

after "the related broadcaster" in Article 13 paragraph (4). In Article 13 paragraph (5) "or broadcaster on telecommunications service" shall be added after "the broadcaster"; "or multiplex television broadcaster" shall be amended to ", multiplex television broadcaster or broadcaster on telecommunications service". In "and multiplex broadcasts" in Article 13 paragraph (6) shall be amended to ", multiplex broadcasts or broadcasts on telecommunications service".

In Article 31 item iv), "the preceding three items" shall be amended to "any of the preceding items"; the same item shall be amended to item v) of the same article; item iii) shall be amended to item iv) of the same article; item ii) shall be amended to item iii) of the same article; item i) shall be amended to item ii) of the same article; and the following item shall be added to the same article as item i):

- i) Cable television broadcasting that falls under the broadcast on telecommunications service (except one listed in Article 22 paragraph (1) item ii) of the Law Concerning Broadcast on Telecommunications Service;

#### **(Partial Amendment of the Public Offices Election Law)**

##### **Article 9**

A portion of the Public Offices Election Law (Law No. 100 of 1950) shall be amended as follows.

In Article 152 paragraph (1), the phrase, "or cable sound broadcasting" shall be amended to ", cable sound broadcasting"; "or a person who conducts the business activity of broadcast on telecommunications service (this has the same meaning as broadcast on telecommunications service as defined in Article 2 paragraph (1) of the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001); the same shall apply in the following article" shall be added after "(Law No.135 of 1951); the same shall apply in the following article."; and "or a person who conducts business activity of cable sound broadcasting" in paragraph (2) of the same article shall be amended to ", a person who conducts business activity of cable sound broadcasting or a person who conducts business activity of broadcast on telecommunications service".

#### **(Transitional Measures Concerning Penal Provisions)**

##### **Article 10**

With respect to the application of Penal Provisions to acts committed before the enforcement of this Law, the provisions then in force shall still apply.

**(Partial Amendment of the Registration and License Tax Law)**

**Article 11**

A portion of the Registration and License Tax Law (Law No. 35 of 1967) shall be amended as follows.

The following shall be added to Attached List No. 1, item xlviii):

Item xlviii)-ii: Registration of broadcaster on telecommunications service

Registration of broadcaster on telecommunications service mentioned in Article 3 paragraph (1) (Registration) of the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001)

Number of registrations

150,000 yen per registration:

**(Partial Amendment of the Ministry of Public Management, Home Affairs, Posts and Telecommunications Establishment Law)**

**Article 12**

A portion of the Ministry of Public Management, Home Affairs, Posts and Telecommunications Establishment Law (Law No. 91 of 1999) shall be amended as follows.

"and the Law to Regulate the Operation of the Cable Sound Broadcasting Service (Law No. 135 of 1951)" in Article 20 shall be amended to ", the Law to Regulate the Operation of the Cable Sound Broadcasting Service (Law No. 135 of 1951) and the Law Concerning Broadcast on Telecommunications Service (Law No. 85 of 2001)".