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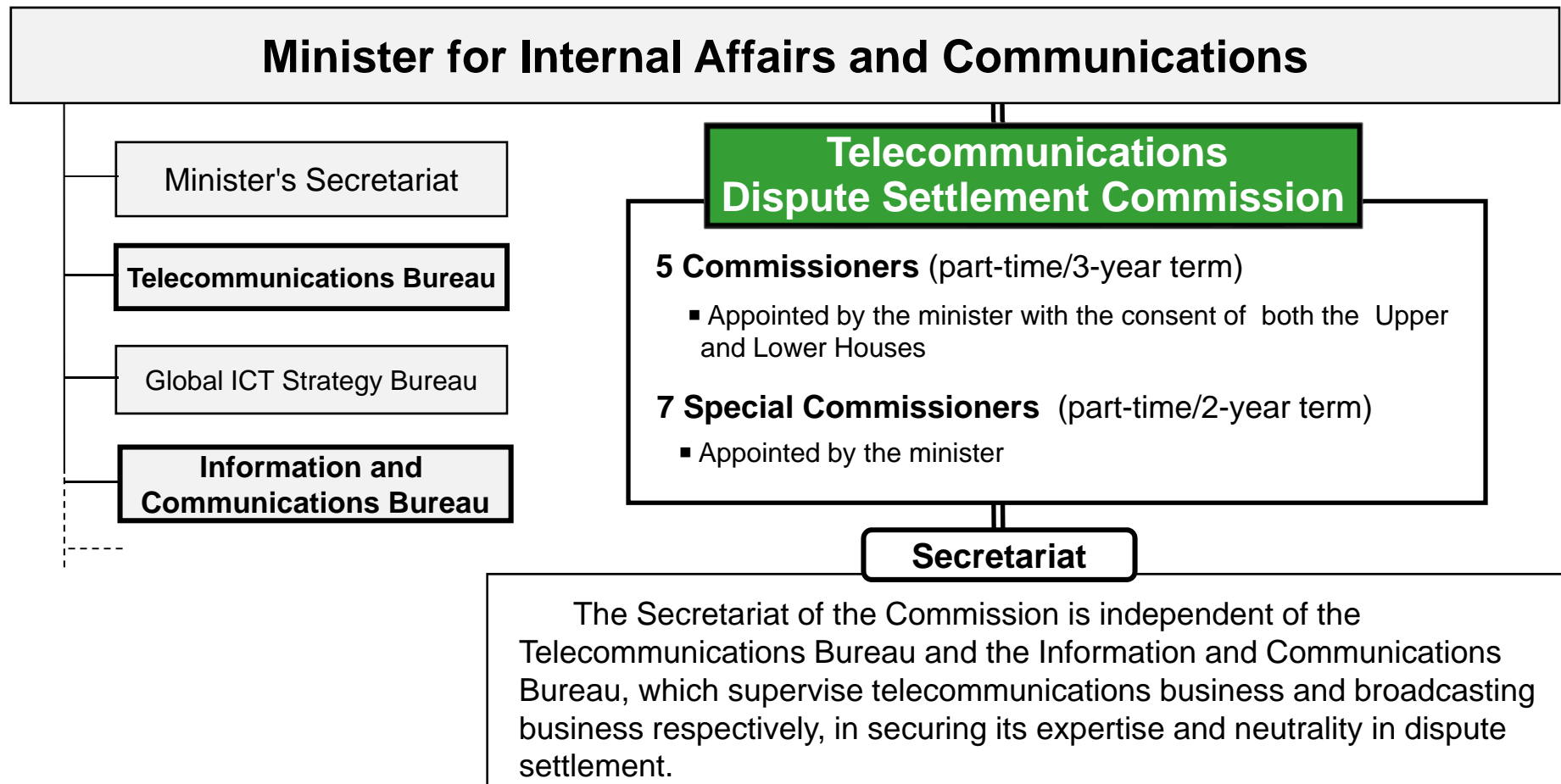
# Framework for the system and dispute settlement regarding rebroadcasting of terrestrial television broadcasts in Japan

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November 4, 2011  
Telecommunications Dispute  
Settlement Commission

The Telecommunications Dispute Settlement Commission was established on November 30, 2001, as a special agency for prompt and fair settlement of interconnection and other disputes between telecommunication carriers.

( The Commission was renamed in June 2011 according to the law revision.)



- ◆ Disputes regarding interconnections, etc. between telecommunications carriers increased and got complicated as the telecommunication services advanced and become diverse.



## November 2001 (Establishment of TDSC)

- Cases regarding agreements on the interconnection/shared use of telecommunications facilities, etc. that cannot be settled through negotiation.

- ◆ Disputes concerning agreements on rebroadcasting of terrestrial television broadcasts have become diverse and complex, requiring prompt and smooth dispute settlement based on expertise.



## June 2011 (Revision of the Broadcast Law)

- Cases regarding agreements on the rebroadcasting of terrestrial television broadcasts that cannot be settled through negotiation have been added.

## ◆ Stipulation of the Broadcast Law about Agreement on Rebroadcasting

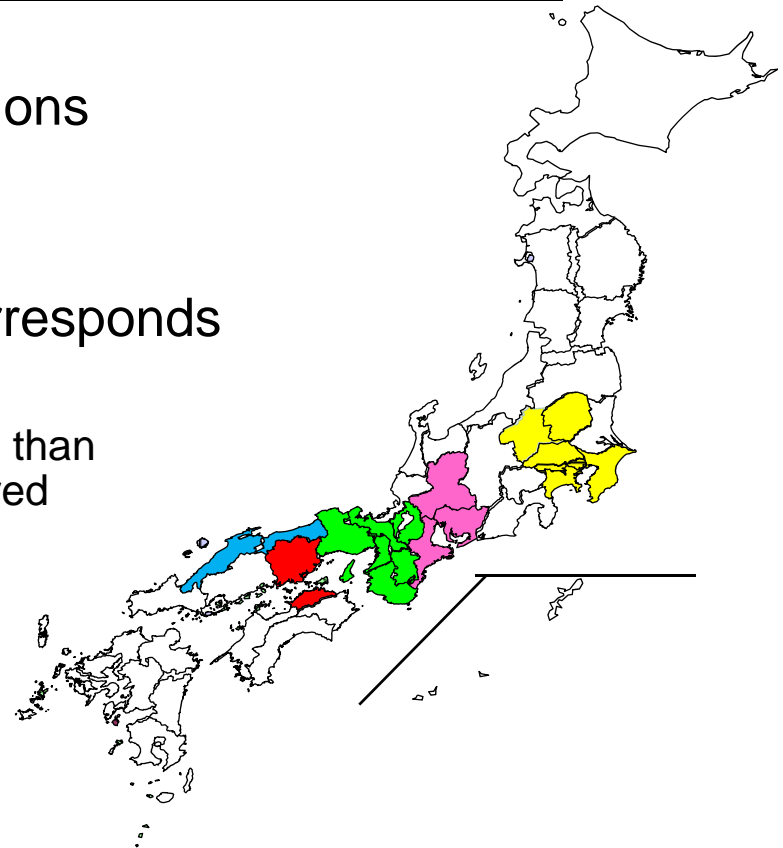
- Broadcasters shall not receive and rebroadcast the broadcasts without other broadcasters' consent.

## ◆ Broadcasting Service Areas of Terrestrial Television Broadcasts

- Minister for Internal Affairs and Communications sets broadcasting service areas.
- One broadcasting service area basically corresponds to one prefecture.

(there are wider broadcasting regions consisting of more than one prefecture in areas such as Tokyo and Osaka (colored parts in the figure on the right))

- The number of broadcasting channels varies with the broadcasting service area.



## ◆ Types of Disputes Subjects to Dispute Settlement System

- When a Cable Television Operator, etc. requests a Terrestrial Television Broadcaster to hold negotiations regarding agreement on rebroadcasting, but
  - the requested terrestrial television broadcaster refuses to hold negotiations
  - such negotiations fail

## ◆ Available dispute settlement system

- Mediation and Arbitration by the TDSC (both parties )
- Award by the Minister for Internal Affairs and Communications (Cable Television Operators, etc.)

## ◆ Mediation

- Mediation is a process in which the mediation commissioners act as mediators to help the disputants reach a mutual agreement to achieve a prompt resolution. There is no mandatory requirement to adopt a solution.

## ◆ Arbitration

- Arbitration is a means to solve disputes in which the disputants agree to follow the arbitration award made by the arbitration commissioner.  
The disputants cannot take the matter to court unless there has been a defect in the process.

## ◆ Award

- The minister judges whether the rebroadcasting must be agreed on or not based on legal stipulations.  
There is a mandatory requirement to adopt a solution, and the dispute is concluded by the award.
  
- The minister shall award that the terrestrial television broadcaster must agree on the rebroadcasting unless it has just cause to disagree.  
(A stipulation in the Broadcast Law)
  
- The minister must make a request for advice to the TDSC when rendering an award.

	Award	Mediation	Arbitration
Dispute settlement entity	<ul style="list-style-type: none"> <li>Minister for Internal Affairs and Communications (makes, a request for advice to the TDSC.)</li> </ul>	<ul style="list-style-type: none"> <li>TDSC (One or more mediation commissioner(s) appointed)</li> </ul>	<ul style="list-style-type: none"> <li>TDSC (3 arbitration commissioners appointed)</li> </ul>
Application process/ requirements	<ul style="list-style-type: none"> <li>The cable television operator, etc. can apply.</li> <li>Judge whether the case satisfies the application requirements for negotiation process, etc. stipulated by the Broadcast Law.</li> </ul>	<ul style="list-style-type: none"> <li>An application need not necessarily be made by both parties of a dispute (cable television operator, etc., and terrestrial television broadcaster)</li> <li>The commission notifies the other party of the application and the process commences if it does not refuse.</li> </ul>	<ul style="list-style-type: none"> <li>Both parties of a dispute must apply. (Concurrent applications are not required. One party can apply upon the notification of the other party's application)</li> </ul>
The criteria for judging	<p>Unless there is just cause to disagree, it is awarded that the rebroadcasting must be agreed on.</p>	<ul style="list-style-type: none"> <li>None (Facilitates mutual agreement without breaching compulsory stipulations and being offensive to public order and morality)</li> </ul>	<ul style="list-style-type: none"> <li>The criteria for judging and applicable laws depend on the agreement between the parties.</li> </ul>
End of process / effect of judgment	<ul style="list-style-type: none"> <li>Ends upon award</li> <li>Petition of objection to the Radio Regulatory Council can be made.</li> </ul>	<ul style="list-style-type: none"> <li>Ends upon agreement reached between both parties through negotiation, proposed mediation being accepted, or termination</li> </ul>	<ul style="list-style-type: none"> <li>Ends upon withdrawal of application due to arbitration award, reconciliation, etc.</li> <li>Arbitration award takes effect in the same manner as a final decision in a court of law.</li> </ul>



