

Study Group on Comprehensive Legal System for Communications and Broadcasting Summary of Minutes (12th Meeting)

1. Date and Time

Tuesday, June 19, 2007, 6 p.m. to 7:15 p.m.

2. Location

Special Conference Room 1, 8th floor, Ministry of Internal Affairs and Communications

3. Attendees (honorifics omitted)

Horibe (Chair), Murai (Vice-Chair), Ando (member), Tagaya (member), Nakamura (member), Hasebe (member), Funada (member), Murakami (member), Aritomi (Vice-Minister for Policy Coordination), Mori (Director-General of the Telecommunications Bureau), Terasaki (Director-General for Policy Planning), Nakata (Deputy Director-General of Minister's Secretariat), Sakamoto (Director of the General Policy Division), Sato (Director of the Information and Communications Policy Bureau), Naito (Director of the Communications and Broadcasting Legal System Planning Office)

4. Summary of the Minutes

(1) Deliberations on the Draft Interim Summary

The Secretariat explained about “Comprehensive Legal System for Communications and Broadcasting – Points for the Draft Interim Summary –” (Document 2) and “Study Group on Comprehensive Legal System for Communications and Broadcasting, Draft Interim Summary” (Document 3). Then, Mr. Nakamura (member) explained about “Points for the Interim Summary” (Document 4). As a result of coordinating and unifying opinions on the Draft Interim Summary, it was decided that this draft would be an official Interim Summary, positioned as a starting point for discussions to establish a national consensus, and released to the public, and that public comment be heard on it. It was also decided to hold hearings for relevant carriers, associations, experts, and other parties. The main comments of members are as follows. (These are considered as points to be noted for the final summary.)

- In translating “tokubetsu (special or extraordinary) media services” and “ippan (general or ordinary) media services” into English, careful attention will have to be paid to the selection of the terms, whether they should be “special” and “general,” or “extraordinary” and “ordinary,” and whether “kozen (public, open, or overt) communications” should be “public,” “open,” or “overt,” because the nuance will differ greatly depending on the terms used in translation.
- While protection of users is an important concept as a legal interest, companies can be on both

the supply side and the user side. This point will therefore have to be adequately considered.

- In the future two different aspects will be mixed into this law. One regards content as goods, and the other has an impact on the freedom of spirit in the form of a social impact. It will then be difficult to regulate all aspects of content by only rules in the nature of a public law, such as “freedom of expression,” and how to establish the framework to deal with this matter will be an issue to be studied in the future.
- The horizontally divided structure may have given an impression of simplicity, but the vertical division of it will make the structure more complicated than a conventional vertical one, and a review may have to be accomplished if technical innovations occur.
- The extent to which and how the legal system for platforms must be regulated will be an important issue to be studied in the future.
- Discussions on platforms will eventually involve discussions on the future vision of technical standards.
- The potential for diverse services on the platform to be developed is unknown. The structure will substantially differ depending on the definition of the platform.
- The platform referred to herein functions mainly as a contact for content and transmission, and it does not encompass the whole of information and communications. It would therefore be better to limit the scope to a certain extent.
- The current definition of the platform will be reasonable, whereby its function is to mediate between various carriers and between carriers and users.
- There will not be many articles sufficiently applicable to platforms to constitute a law for platforms. Positioning this issue as an important one to be studied in the future, however, will be a good approach in terms of summarization.
- Since platforms have factors that cannot be comprehended as transmission and content alone, the current description, that studies should be conducted as to the necessity, will be reasonable.

(2) Remarks

Mr. Aritomi, Vice-Minister for Policy Coordination, delivered remarks on the interim summary.

(3) How to proceed further

The Secretariat explained about “Draft of the Study Schedule in Future” (Document 5), after which it was approved. (The numbers and dates of public hearings are tentative.)