

## Study Group on Comprehensive Legal System for Communications and Broadcasting Summary of Minutes (13th Meeting)

### 1. Date and Time

Friday, August 10, 2007, 6 p.m. to 7:50 p.m.

### 2. Location

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

### 3. Attendees (honorifics omitted)

Horibe (Chair), Ando (member), Tagaya (member), Nakamura (member), Hasebe (member), Hamada (member), Funada (member), Murakami (member), Suzuki (Vice-Minister for Policy Coordination), Ogasawara (Director-General of the Information and Communications Policy Bureau), Terasaki (Director-General of the Telecommunications Bureau), Nakata (Director-General for Policy Planning), Suzuki (Director of the General Policy Division), Naito (Director of the Communications and Broadcasting Legal System Planning Office)

### 4. Summary of the Minutes

#### (1) Results of Public Comment on the “Interim Summary”

The Secretariat reported on “Results of Public Comment on ‘Study Group on Comprehensive Legal System for Communications and Broadcasting, Interim Summary’” (Document 2-1, 2-2).

#### (2) Public Hearings from Relevant Major Carriers, Associations, and Other Parties (1st hearing)

Opinions on the “Interim Summary” were heard from Nippon Keidanren and The Japan Newspaper Publishers & Editors Association individually, and then opinions were exchanged.

##### A. Nippon Keidanren

###### (a) Explanation

Explanation was given based on “Opinions on the Interim Report of the ‘Study Group on Comprehensive Legal System for Communications and Broadcasting’” (Document 4-1) and “Written Opinions” (Document 4-2).

###### (b) Opinion exchange

- The question of whether there are any specific cases where corporate activities toward the convergence and cooperation of communications and broadcasting are hampered under the current institution was asked. Nippon Keidanren responded that the latest case was IP multicast related to prefectural licenses, and that there are strong opinions that platform business should

be regulated to the least extent possible.

- In terms of how to deal with terminals, there is a question of whether, apart from physical terminals, the provision of applications by terminals is regarded as a platform function and thus subject to regulations. Nippon Keidanren stated that there are opinions that terminals should be free of restraint to the extent possible from the perspective of international competitiveness.
- Nippon Keidanren expressed the following opinion. Regulations for harmful content are, without doubt, necessary. However, whether regulations imposed on broadcasters and telecommunication carriers are also imposed on companies that are not directly engaged in the relevant business if content with substantial social impact is transmitted needs to be clarified in the future.
- Nippon Keidanren expressed the following opinion. Regarding inter-layer regulations, some kind of regulation is necessary from the perspective of network neutrality, particularly for very influential players in the network who have an impact on other layers.
- A member expressed the following opinion. Apart from the business viability, open communications must be checked at the minimally required level from the perspective of protecting consumers. For that purpose, a framework will have to be established where the kind of information that is distributed can be checked to a certain extent even after the fact.
- Nippon Keidanren expressed the following opinion. If communications and broadcasting markets are regulated collectively, regulations should not be on the stringent side only because of the “social impact”. In principle, regulations should only be imposed in advance based on the fact that there is a bottleneck nature of frequencies, which are limited resources.

## B. The Japan Newspaper Publishers & Editors Association

### (a) Explanation

Explanation was given based on “Written Opinions” (Document 5).

### (b) Opinion exchange

- The Japan Newspaper Publishers & Editors Association expressed the following opinion. If rules for open communications are specified in Articles, administrative discretion is exercised. It is regarded as an intervention of public authorities, causing great concern. The Association has a basic stance against the inclusion of the description about common rules because, with the regulation of Internet media, the regulations will surely encompass the existing media that was originally free of public authorities.
- Whether the activities of newspaper publishers on the Internet are regarded as newspapers was questioned. The Japan Newspaper Publishers & Editors Association responded such was true and that each newspaper publisher regards Japan’s press code as a norm to conduct the Internet business and the Internet media activities.
- A member expressed the following opinion. While newspapers are only distributed

domestically, information on the Internet is distributed beyond the national borders. Therefore, the Japanese domestic laws alone cannot deal with them. From this perspective, the natures of newspapers and open communications will differ.