

**Minute Summary of the 9th Meeting of the Study Group  
on Actions against Illegal and Harmful Information on  
the Internet**

1. Date and time: June 14, (Wed) 2006 14:00 to 16:00
2. Location: Conference Room No.1, Low-rise Building  
(1F), Ministry of Internal Affairs and Communications
3. Attendees

Members: Eguchi, Okamura, Kokubu, Shimada,

Nagata, Nakamura, Noguchi, Bessho,

Horibe (Chairman), Mori (lawyer),

Morita, Yoshikawa

Ministry of : Suda (Director-General of the

Internal Affairs Telecommunications Bureau),

and Terasaki (Director-General of the

Communications Telecommunications Business

Department), Furuichi (Director of

Telecommunications Consumer Policy

Division), Ishii (Assistant Director of

Telecommunications Consumer Policy

Division), Hiramatsu (Assistant

Director of Telecommunications

Consumer Policy Division)

#### 4. Proceedings

(1) Opening

(2) Draft Final Summary of the Study Group on Actions

against Illegal and Harmful Information on the

Internet

(3) Starting operation of the Internet Hotline Center

(reporting)

(4) Closing

#### 5. Major discussions

Discussions were conducted as given below for the draft Final

Summary:

(Legal responsibilities of electronic bulletin board managers)

- Regarding the scope of civil responsibilities in cases where electronic bulletin board managers take measures to prevent transmission under a contract, the issue can be addressed based on the contract if a provision relating to the measures for preventing transmission is contained in the contract and the case corresponds to it. If, however, the above is not clear, the Provider Responsibility Restriction Law will work. Please set out this two-tier structure in the Summary.
- Regarding criminal responsibility in cases where

electronic bulletin board managers did not take any measures to prevent transmission, we see the description saying, “At the present time, it can be considered that the circumstances are not such that electronic bulletin board managers will be held criminally responsible if they do not actively take measures to prevent transmission of information which appears to be illegal.” It seems better to state that in certain cases the managers of electronic bulletin boards will be held criminally responsible.

- The description of criminal responsibility in cases where electronic bulletin board managers do not take any measures to prevent transmission is the result of analysis of currently available court cases, and thus

it seems difficult to change it to a further detailed description.

(Filtering)

- Concerning the descriptions in the section regarding mobile filtering, the actual status is that cellular phone operators have started filtering service since the latter half of 2003, and every operator is gradually providing user-friendly filtering services with improved functions based on the study of mobile filtering technology. Please change the expression accordingly.
- Regarding descriptions relating to the penetration and enlightenment activities of filtering, we find no

descriptions on the existing penetration and enlightenment activities of organizations other than Ministry of Internal Affairs and Communications, so please add your descriptions.

(Transmitter information disclosure system)

- As for the non-use of the civil conservation system in relation to requests for transmitter information disclosure, we find a description stating, “The necessity of conservation may sometimes be admitted for ‘provisional disposition of transmitter information disclosure’ with ‘the right to claim transmitter information disclosure from the managers of electronic bulletin boards’ as the right to be

conserved.” However, it seems that there may be room to admit provisional disposition of transmitter information disclosure to the relaying provider, so please change the descriptions to read as such.

(Anonymity of the Internet)

- While there are references to privacy and the freedom of anonymous expression in the descriptions relating to anonymity on the Internet, we find no reference to “confidentiality of communications.” Since it is not reasonable for “confidentiality of communications” to be considered less important, please reconsider the relevant descriptions. End