

April 16, 2020

Operational Guideline for Article 35 of the Amended Copyright Act

(Fiscal Year 2020 Edition)

Stakeholder Forum concerning the Educational Use of Works

This operational guideline has been formulated for the urgent and exceptional operation of the Compensation System for Public Transmission for Educational Purposes in fiscal year 2020, apart from the guidelines that have been developed by this Forum. The operational guideline for this system for fiscal year 2021 and later will be organized through continued discussions based on the past discussions in this Forum.

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■ Article 35 of the Amended Copyright Act (amended in 2018)

Article 35 of the amended Copyright Act permits “a person in charge of teaching” and “a person taking classes” at “a school or other educational institution” to reproduce a work without authorization and at no charge, to publicly transmit a work without authorization and at no charge or for a compensation (“public transmission for educational purposes”), and to publicly communicate a work without authorization and at no charge. However, this does not apply if the action would unreasonably prejudice the interests of the copyright owner.

<Provisions>

- (1) A **person in charge of teaching** or a **person taking classes** at a **school or other educational institution** (except one founded for commercial purposes) may **reproduce** or **publicly transmit** (and also make available for transmission in the case of automatic public transmission; hereinafter the same applies in this Article) a work that has been made public, or publicly communicate a work that has been made public and is **publicly transmitted**, through a receiver, to the extent that is found to be necessary, if the purpose of doing so is use in the course of **those classes**; provided, however, **that this does not apply if the action would unreasonably prejudice the interests of the copyright owner** in the light of the nature or purpose of the work, the number of copies that would be made, or the circumstances of its reproduction, public transmission or communication.
- (2) If a public transmission is made pursuant to the provisions of the preceding paragraph, the person establishing the educational institution in the preceding paragraph shall pay a reasonable amount of compensation to the copyright owner.
- (3) The provisions of the preceding paragraph do not apply if, in the course of the classes at an educational institution referred to in paragraph (1), the originals or copies of a work that has been made public are made available or presented to persons who directly attend a class and thus exploited, or if such work is exploited through a stage performance, musical performance, on-screen presentation, or recitation for such persons pursuant to the provisions of Article 38, paragraph 1, it is permissible to transmit these to the public for any persons who are taking that class simultaneously at a place other than that where the class is being held.

* As stipulated by the Copyright Act, the compensation system for public transmission for educational purposes applies mutatis mutandis to neighboring rights.

* When right limiting provisions such as “quotation” apply, they may be used without authorization. In addition to this Article, private sound and visual recordings via digital format (Article 30, paragraph 2), printing in school textbooks, digital school textbooks, or large-print school textbooks for profit-making purposes (Article 33, Article 33-2, Article 33-3), reproduction/public transmission to tests for profit (Article 36), and renting of videos in audiovisual education centers, etc. (Article 38, paragraph 5) require payment of a compensation.

Definition of terms

① "reproduction"

Means the physical replication of a or all of a work through handwriting, keyboard input, printing, photography, copying, sound or visual recording, or in any other way (Article 2, paragraph 1, item xv of the Copyright Act; the same applies not only to works but also to the exploitation of performances, records, broadcasts and cablecasts)

Applicable examples	<ul style="list-style-type: none"> • Writing of a passage of a literary work on a blackboard • Writing of a passage of a literary work in a notebook • Reproduction of a painting on drawing paper • Imitation of a sculpture using paper clay • Copying of a printed work onto paper by using a copy machine • Storage onto recording media of a PDF file prepared by converting data of a printed work scanned using a copy machine • Storage onto a PC or a smartphone of a file into which a work is typed using a keyboard, etc. • Storage onto a USB memory of a file of a work stored on a PC, etc. • Data-based storage of a file of a work onto a server (including backup) • Recording of a television program onto a hard disc
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② "public transmission"

Means transmitting to unspecified people or specified number of people (general public*) via broadcast, cablecast or Internet transmission (making available for transmission via the Internet after storage onto a server, etc., including "making available for transmission") or any other method (Article 2, paragraph 1 item 7-2 and Article 2, paragraph 5 of the Copyright Act; in the aspect of the neighboring rights, broadcasting/cablecasting or making available for transmission a performance, making a record available for transmission, re-broadcasting or re-cablecasting a broadcast or a cablecast, or making a cablecast or a broadcast available for transmission corresponds to this action).

However, as in a school broadcast, the transmission within a school using a broadcast facility or a server (excluding those accessible from outside the premise) installed in the same site (premise) as the school does not constitute public transmission.

Applicable examples	<ul style="list-style-type: none"> • Transmission of a work stored on a server installed outside a school in response to a request by a student, etc. • E-mail transmission of a work to a large number of students, etc. (general public) • Posting of a work on the website of a school • TV broadcasts • Radio broadcasts
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* In general, transmission between a teacher, etc. and a student, etc. in a class is considered to correspond to public transmission.

③ "school or other educational institution"

Means a non-profit educational institution engaged in organized and continuous educational activities. An institution established based on the School Education Act or other supporting laws (including ordinances and rules set forth by local governments) or an equivalent institution.

<p>Applicable examples (supporting laws are within parentheses)</p>	<ul style="list-style-type: none"> • Kindergartens, elementary schools, junior high schools, compulsory education schools, high schools, secondary education schools, schools for special needs education, technical colleges, miscellaneous category schools, specialized training colleges, universities, etc. (School Education Act) • Educational institutions similar to universities such as the National Defense Academy, National Tax College, and agricultural colleges of local governments (related laws such as agency settlement laws and orders for organization) • Educational institutions related to job training, etc. (Act for the Promotion of Human Resources Development, etc.) • Nurseries, certified childcare centers, after school child care centers (Child Welfare Act, Act on Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children) • Community centers, museums, art museums, libraries, youth centers, lifelong learning centers, and other similar social education institutions (Social Education Act, Museum Act, Library Act, etc.) • Educational centers, Personnel in Service Training Centers (Act on the Organization and Operation of Local Educational Administration, etc.) • Schools managed by an education management company (Act on Special Districts for Structural Reform; these schools are educational institutions established by a for-profit company, but are equivalent to educational institutions by a special provision.)
<p>Non-applicable examples</p>	<ul style="list-style-type: none"> • Educational institutions managed by for-profit companies or individuals • Preparatory schools and cram schools not authorized as specialized training colleges or miscellaneous category schools • Cultural centers • Training facilities of businesses or organizations

④ "classes"

Means educational activities implemented by a person in charge of teaching for a person taking classes under the management and at the responsibility of a school or other educational institution.

Applicable examples	<ul style="list-style-type: none"> • Lectures, practical training, exercises, seminars, etc. (irrespective of their designations) • Student-led activities (class activities, homeroom activities, club activities, student council/student-body activities, school events, or other activities), club activities, extracurricular supplementary classes, etc. in primary/secondary education • Educational activities made by educational centers or school personnel in service training centers for teachers • License renewal course for teachers • Interviewing,¹ correspondence classes,² media classes,³ etc. in correspondence education • Extension courses hosted by a school or other educational institution (those conducted as its own business; those of which the scale of business, etc. will be of a considerable scale in the light of income and expenditure budget, etc. shall be separately examined.) • Course certification program⁴ • Courses or lecture presentations, etc. hosted by social education institutions (those conducted as its own business)
Non-applicable examples	<ul style="list-style-type: none"> • Campus tours and mock classes at an open campus for applicants for admission, etc. • School personnel conference • Seminars or provision of information for school personnel implemented as FD⁵ or SD⁶ at a university • Extracurricular activities in higher education (such as circle activities) • Voluntary volunteer activities (without credit approval) • Parents' association • Lecture presentations hosted by a residents' association, courses for parents and children hosted by the PTA at a school or other educational institution

* Preparation or review by a student, etc. is defined as a "course of classes."

* The following actions ①-③ are defined as actions in the course of a class:

① Reproduction of a transmitted work by a student, etc.

② Reproduction by a teacher, etc. in the preparatory stage for creation of class materials or post-lesson review

③ Reproduction private records by a teacher, etc. or a student, etc.

* A technical college is a higher education institution but its curriculum that is similar to that of secondary education is governed by the corresponding portions of this Operational Guideline.

¹ A class similar to a commuter course of a university.

² A class where a student learns with a textbook, etc. (including Internet distribution) and receives editing instructions and takes exams.

³ A class where a teacher and a student communicate interactively for learning purposes via the Internet. This lesson is offered in one of the two types: a real-time "simultaneous interactive type"; and a "non-simultaneous interactive type" where contents are placed on a server.

⁴ An educational program for members of society other than students. A person who completes this program is granted a course certificate that is based on the School Education Act.

⁵ Faculty Development. Organizational efforts for teachers to improve and upgrade the content and method of classes.

⁶ Staff Development. Organizational efforts for quality improvement including operation management and educational and research support.

⑤ "a person in charge of teaching"

Means a person who actually teaches a lesson (hereinafter referred to as a "teacher, etc.")

Applicable examples	<ul style="list-style-type: none">• An instructor, a professor, a lecturer, etc. (irrespective of their designation, having a teacher's license, or being employed full-time/part-time)
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* Reproduction or public transmission by an education supporter or assistant such as a school official in a form where the school has control, such as by using a school facility, as instructed by a teacher, etc., is an action of a teacher, etc.

⑥ "a person taking classes at a school"

Means a person who receives educational support or is under the guidance of a teacher, etc. (hereinafter referred to as a "student, etc.")

Applicable examples	<ul style="list-style-type: none">• A person who actually learns, irrespective of their designation or age (a child, a pupil, a student, a credited auditor, a participant, etc.)
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* Reproduction or public transmission by an education supporter or assistant such as a school official in a form where the school has control, such as by using a school facility, in response to a request by a student, etc., is defined as an action of a student, etc.

⑦ "the extent that is found to be necessary"

Limited to the portion and number of copies necessary for a lesson.

Applicable examples	<ul style="list-style-type: none">• Exploitation of up to a class unit or a course unit (for classes conducted beyond the classroom, including a lecture given in a large lecture room of a university, and a lesson offered beyond the border of a class, the number of participants of such class)• Distribution of a reproduction that is the same as that distributed to students, etc. to participants in a class visit or a research class
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⑧ "publicly communicate"

Means to publicly communicate, through a receiver, of a published work that is publicly transmitted.

Applicable examples	<ul style="list-style-type: none">• Receiving, during a class, a video posted on the Internet that is related to the class content and letting students, etc. to view the video on a display installed in a classroom, etc.
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⑨ "if the action would unreasonably prejudice the interests of the copyright owner"

When a work of another person is exploited without authorization and at no charge or without authorization and for a charge (compensation) within the scope of Article 35 of the amended Copyright Act, sufficient care must be taken so as not to unreasonably prejudice the right of the copyright owner in exploiting a work in the course of a class, that is, so as not to reduce the sales of a marketed material or obstruct potential sales channel in the future of a work as a result of reproducing or exploiting a public transmission in a school or other educational institutions.

When an exploitation of a work in the course of a class may unreasonably prejudice the interests of the copyright owner, the action will be deemed to exceed the scope that can be exploited without authorization and at no charge or without authorization and at charge (compensation), and the acquisition of the authorization of the copyright owner will be required.

① Primary/Secondary education

Basic philosophy

■Number of copies and number of recipients of a public transmission■

In general, the number of copies or the number of recipients of a public transmission shall not exceed the number of the teachers, etc. who teach a class and the students, etc. of such class. Sufficient care shall be taken that unreasonably prejudicing the interests of the copyright owner is not approved.

When copies of a work are distributed to the students, etc. of an entire grade or the entire school in a class of a small-sized educational institution, the number of the students, etc. of the entire grade or the entire school shall not exceed the number of students, etc. of a class of a general primary/secondary educational institution of the same kind.

■Type and volume of a work■

- In principle, the exploitation of a small portion of a work is approved, irrespective of whether it is in paper or digital format (*1). However, there may be cases where the exploitation of the entirety is approved, such as in cases where the exploitation of a small portion may infringe the moral rights of the author (right to preserve integrity) (*2).

Examples of entirety)

Literary works of short sentences such as Haiku, Tanka and poems

Literary works such as an article published in a newspaper

Photographs, pictures (including illustrations, prints, etc. (see Note)) and sculptures that individually constitute a work, and other works of art, maps or drawings, charts, models and other figures that are academic in nature

Note: Pictures that are picture books may be exploited generally in a small portion since a single copy is one work.

<Examples where there is a high possibility of unreasonable prejudice>

Example) Distribution to an entire grade or all students, etc. of the entire school in a school event such as an entrance ceremony

Example) In cases where the same teacher, etc. teaches several classes of the same content or in cases where several classrooms are set for each of the sending side and the receiving side in an interactive class, making reproductions or public transmissions of a number that exceeds the total number of the teacher, etc. teaching such classes and the students, etc. taking such classes

- Example) The same teacher, etc. exploiting a different portion of the same work for each session of a class, and, as a result, the exploited amount in the class is no longer a small portion
- Example) Reproducing or publicly transmitting a work, which is published in a material that a teacher, etc. or a student, etc. exploits in conducting the class by normally purchasing, entering into a contract for provision, or borrowing (such as a teacher's guide, study-aid book, collection of materials, sheet music used as teaching materials in a class or sheet music used in choral and orchestral club activities, or exercise book, drill book, workbook or test paper (including a collection of past test questions)), in a form that will be a substitute for the purchase of the material in which such work is published
- Example) Providing fine art, photographs, sheet music, etc., in a quality and a manner that will influence the sales of commercial products. Also, extracting and exploiting a large number of such works from a single publication
- Example) Binding and distributing materials
- Example) Systematically stocking a work as materials onto a server (compiling a database)

- *1 To avoid any misunderstanding by teachers, etc. and students, etc. in the field, a "small portion," as an amount in this section, shall be subject to continued examination so as to indicate a standard as specifically as possible, by referring to examples in various foreign countries. Such examination shall consider, in the light of a class conforming to the use of textbooks, the actual circumstances of the primary/secondary education where the it would mainly be the reproduction or public transmission of a work published in a textbook, and if the other works would be used as teaching materials, they would only be supplementary.
- *2 Even when a work that is a "small portion" is for the purpose of exploitation in the course of a class to the extent it does not unreasonably prejudice the interests of the copyright owner, it shall be clarified via examples that the "entirety" can be exploited to the extent that is found to be necessary.

- Note) • Among the exploitation of a work used as a teaching material, although making such work available for public transmission to students, etc. is considered highly unlikely to unreasonably prejudice the right of the copyright owner in case such making available for public transmission continues until the end of the duration of the class of the students, etc. taking the class by using such teaching materials (deletion of the data will not be requested if the receiving authority of the students, etc. has been terminated), the treatment of instances of making available for public transmission beyond such duration shall be subject to future examination.
- Other examples shall be subject to continued examination and specific examples shall be added as typical examples.
 - Exploitation that corresponds to the proviso in the case a work is published in a publication that cannot be purchased due to being out of print or for any other reason shall be subject to future examination.

② Higher education

Basic philosophy

■Number of copies and number of recipients of a public transmission■

In general, the number of copies or the number of recipients of a public transmission shall not exceed the number of the teachers, etc. who teach a class and the students, etc. of such class. Sufficient care shall be taken, as mentioned in Note, that unreasonably prejudicing the interests of the copyright owner is not approved.

■Type and amount of work■

- In principle, the exploitation of a small portion of a work is approved, irrespective of whether it is in paper or in digital format (*1). However, there may be cases where the exploitation of the entirety is approved, such as in cases where the because exploitation of a small portion may infringe the moral rights of the author (right to preserve integrity) (*2).

Examples of entirety)

Literary works of short sentence(s) such as Haiku, Tanka and poems

Literary works such as an article published in a newspaper or a thesis published in an academic society/association journal issued and sold by an academic society/association (*3)

Photographs, pictures (including illustrations, prints, etc. (see Note)) and sculptures, etc. that individually constitute a work, and other works of art, maps or drawings, charts, models and other figures that are academic in nature

Note: Pictures that are picture books may be exploited generally in a small portion since a single copy is one work.

<Examples where there is a high possibility of unreasonable prejudice>

Example) Distribution to an entire grade or an entire faculty, or all students, etc. in an entrance ceremony, etc.

Example) In cases where the same teacher, etc. teaches several classes of the same content or in cases where several classrooms are set for each of the sending side and the receiving side in an interactive class, making reproductions or public transmissions of a number that exceeds the total number of the teacher, etc. teaching such classes and the students, etc. taking such classes.

Example) The same teacher, etc. exploiting a different portion of the same work for each session of a class, and, as a result, the exploited amount in the class is no longer a small portion.

Example) Reproducing or publicly transmitting a work, which is published in a material that a teacher, etc. or a student, etc. exploits by normally purchasing, entering into a contract for provision or borrowing, such as a textbook or exercise book in which each student directly writes an answer for exercise purposes (including those a teacher, etc. has instructed students, etc. to purchase) in a manner where the reproduction or public transmission will be a substitute for the purchase of the material in which such work is published.

Example) Providing fine art, photographs, sheet music, etc., in a quality and a manner that will influence the sales of commercial products. Also, extracting and exploiting a large number of such works from a single publication

Example) Binding and distributing materials

Example) Systematically stocking a work as materials onto a server (compiling a database)

- *1 To avoid any misunderstanding by teachers, etc. and students, etc. in the field, a “small portion,” as an amount in this section, shall be subject to continued examination so as to indicate a standard as specifically as possible by referring to examples in various foreign countries.
- *2 Even when a work that is a “small portion” is for the purpose of exploitation, in the course of a class to the extent it does not unreasonably prejudice the interests of the copyright owner, it shall be clarified via examples that the "entirety" can be exploited to the extent that is found to be necessary.
- *3 The amount of a thesis other than that published in an academic society/association journal issued and sold by an academic society/association shall be subject to continued examination.

- Note)
- A course pack of a work shall be subject to future examination.
 - Among the exploitation of a work used as a teaching material, although making such work available for public transmission to students, etc. is considered highly unlikely to unreasonably prejudice the right of the copyright owner in case such making available for public transmission continues until the end of the duration of the class of the students, etc. taking the class by using such teaching materials (deletion of the data will not be requested if the receiving authority of the students, etc. has been terminated), the treatment of instances of making available for public transmission beyond such duration shall be subject to future examination.
 - Other examples shall be subject to continued examination and specific examples shall be added as typical examples.
 - Exploitation that corresponds to the proviso in the case a work is published in a publication that cannot be purchased due to being out of print or for any other reason shall be subject to future examination.

③ Other

Treatment of the following items shall be examined:

- Among the work rental services, digital services (digital teaching materials, databases, worksheets, photo services, etc.), content distribution contracts, paid broadcasts and paid music streaming, if a contract that sets forth that exploitation by reproduction or public transmission, regardless of whether it is exploitation for educational purposes, is prohibited, to exploit the work pursuant to such contract.
- Exploitation of a work that is copy-restricted or access-restricted via reproduction or public transmission.
Example) Works of movies stored on Blu-ray Discs/DVDs, etc.

***"Applicable examples" and "Non-applicable examples" are not exhaustive.**

Reference material

1 Exploitation in the course of a class and its treatment under the Copyright Act (prepared by the Agency for Cultural Affairs)

(Reference) Exploitation in the course of a class and its treatment under the Copyright Act

	In-person class in a classroom			Remote joint lesson, etc.		Studio-type remote class		On-demand-type remote class
						(Simultaneous, interactive)	(Simultaneous, non-interactive)	
Teacher, etc.				A teacher (in charge of a subject) is assigned to each classroom	Distributing side: Teacher Receiving side: Teacher is absent	Distributing side: Teacher Receiving side: Teacher may be absent		
Presence/Absence of students in the sending-side classroom				Students, etc. are present (in-person type)		Students are absent (studio type)		
Possibility of implementation in each educational institution	Possible in each educational institution			Possible in each educational institution	Possible in high schools Possible in universities, etc.	Opened in fiscal year 2015 in high schools Possible in universities, etc.	Possible in universities, etc.	Possible in universities, etc.
"Interactive"/"Non-Interactive"				"Bidirectional" or "Unidirectional"		"Interactive"	"Non-interactive"	
Number of students in individual lesson	<Elementary, junior high and high schools> (Standard) 40 students or less <Universities, etc.> Depends on the class form*			<Elementary, junior high and high schools> [(Standard) 40 students or less × number of classes <Universities, etc.> Depends on the class form*	<High school> (Standard) 40 students or less <University, etc.> Depends on the class form*	<High school> (Standard) 40 students or less <University, etc.> Depends on the class form*	<University, etc.> Depends on the class form*	<University, etc.> Depends on the class form* (Distribution to students undergoing treatment or refusing to attend school is also considered for elementary, junior-high and high schools.)
Work exploitation form	Reproduction	Public communication	Public transmission	Reproduction and public transmission Excluding transmissions of works other than those exploited in in-person classes	Public transmission	Public transmission		Public transmission
Teaching/Receiving timing	Simultaneous			Simultaneous (Asynchronous)	Simultaneous	Simultaneous (Asynchronous) <i>[Asynchronous – E-mail communications for preparation or review]</i>		Asynchronous
Treatment before law amendment	In principle, approval is not required and for no compensation (Article 35, paragraph 1) [Fiscal year 1971-]	In principle, approval is required and for a license fee	In principle, approval is required and for a license fee	In principle, approval is not required and for no compensation (Article 35, paragraph 2) [Fiscal year 2003-]	In principle, approval is required and for a license fee			
	↓	↓	↓	↓	↓	↓	↓	↓
Treatment under the amended Copyright Act	In principle, approval is not required and for no compensation (Article 35, paragraph 1) [In consideration of confusion in the field of education] (Compensation is a future issue)	In principle, approval is not required and for no compensation (Article 35, paragraph 1)	In principle, approval is not required and for compensation (Article 35, paragraph 2)	In principle, approval is not required and for no compensation (Article 35, paragraph 3) [In consideration of confusion in the field of education] (Compensation is a future issue)	In principle, approval is not required and for compensation (Article 35, paragraph 2) (Article 35, paragraph 2)			

* This is permitted only within the range where the interest of the copyright owner is not unreasonably prejudiced.

2 Examples of limitations on rights under the Copyright Act

The Copyright Act also specifies cases where copyrights are not infringed (the rights of the copyright owners are restricted), such as reproduction for private use purposes. Even in such cases, the respective provisions specify requirements for application, and there are instances where cases are not approved if the interest of the copyright owner is unreasonably prejudiced, or cases where the payment of compensation is required even if a work can be exploited.

<p>Reproduction for Private Use (Article 30)</p>	<ul style="list-style-type: none"> • Applicable to a case of personal use or use within a home or to the extent it is closed similar to a home. • In general, use for business purposes is deemed not included in private exploitation.
<p>Reproduction in Libraries and Similar Facilities; Related Matters (Article 31)</p>	<ul style="list-style-type: none"> • Applicable to reproduction services, etc. provided by public libraries, as well as libraries, etc. of universities, technical colleges under the School Education Act, and institutions defined by Cabinet Order on educational institutions under special laws. • Libraries of elementary, junior high and high schools are not included in "libraries, etc." that are authorized to make reproductions.
<p>Quotation (Article 32)</p>	<ul style="list-style-type: none"> • Applicable to cases where another person's work is exploited in the preparation of a thesis or a report, etc. of a teacher, etc. or a student, etc. (Article 32, paragraph 1) • Requirements such as clear distinction and master-servant relationship are necessary (Parody Case <March 28, 1980 Supreme Court judgment>). Recently, there have been judgments that are based on the thought of making a determination on whether the quotation corresponds to the requirements of "fair practice" and the "extent justified by the purpose of quotation" by comprehensively considering various circumstances (Painting Certificate of Authenticity Case <October 31, 2010 Intellectual Property High Court judgment>). • Provisions on quotations may be applicable depending on the preparation of the teaching material and the lesson procedures, as well as the preparation of a thesis, report, etc. • Applicable when public relations materials, survey statistics, reports, etc. in the name of public institutions for public notification purposes are reprinted in a publication as explanatory materials (Article 32, paragraph 2)
<p>Reproduction as Examination Questions; Related Matter (Article 36)</p>	<ul style="list-style-type: none"> • Applicable to a case where entrance examination questions and regular examination questions are prepared and exploited (Article 36, paragraph 1) • Applicable to tests using paper media as well as tests using the Internet (public transmission)
<p>Printing of Works in Teaching Materials as a Substitute for Textbooks (Article 33-2)</p>	<ul style="list-style-type: none"> • A work published in a textbook may be published in a digital textbook to the extent that is approved to be necessary for school education • Publication requires a notice to the publisher of the textbook and a payment of compensation to the copyright owner.

Stage Performances for Non-Commercial Purposes (Article 38)	<ul style="list-style-type: none"> • May be exploited when conditions, such as that no charge is collected from the audience or spectators and the performers are not paid remunerations for a concert at a school festival, etc., are satisfied • Public transmission is not included
Exploitation of an Artistic work on Public Display (Article 46)	<ul style="list-style-type: none"> • An artistic work such as a sculpture that is permanently installed in an outdoor location may be exploited in a pamphlet, etc. • Making a reproduction of a work such as a sculpture requires obtaining separate authorization
Transfer of Copies Made Pursuant to Restrictions on the Right of Reproduction (Article 47-7)	<ul style="list-style-type: none"> • A reproduction made without authorization pursuant to the provisions restricting rights of the reproduction right set forth in Article 35, etc. of the Copyright Act may be provided to the general public without obtaining the authorization of the copyright owner
Use of a Copy Other than for Its Intended Purpose (Article 49)	<ul style="list-style-type: none"> • Distributing or presenting to the general public a reproduction prepared pursuant to the provisions restricting rights for a purpose other than that permitted in the respective provisions requires obtaining separate authorization

3 Related laws, supporting laws, etc.

(1) Non-profit educational institutions

○ School Education Act

Article 1 In this Act, a school refers to a kindergarten, an elementary school, a junior-high school, a compulsory education school, a high school, a secondary education school, a school for special needs education, a university, or a technical college.

Article 124 An educational institution other than those listed in Article 1 that provides organized education corresponding to the following items for the purpose of fostering abilities necessary for a profession or actual life, or advancing cultural education (excluding those specifically set forth in other laws when conducting such education and those exclusively for foreigners living in Japan) is defined as a specialized training college.

Article 134 Anything other than those listed in Article 1 that provides education similar to school education (excluding those specifically set forth in other laws when conducting such education or those engaging in education of a specialized training college set forth in Article 124) is defined as a miscellaneous category school.

<Educational centers, libraries, museums, public halls, etc.>

○ Act on the Organization and Operation of Local Educational Administration

Article 30 A local government can, as stipulated by a law, establish schools, libraries, museums, public halls and other educational institutions, and establish, by an ordinance, facilities related to the studies of expert and technical matters concerning education or the training, health or welfare of educational personnel, and other necessary educational institutions.

<Training at an education center>

○ Law for Special Regulations Concerning Civil Servants in the Field of Education

Article 21 Civil servants in the field of education shall consistently devote themselves to studies and training to execute their duties.

2 An appointer of civil servants in the field of education shall formulate plans related to facilities necessary for training civil servants in the field of education, the means to encourage training and other plans concerning training, and make efforts to implement them.

Article 22 Civil servants in the field of education shall be given opportunities to undergo training.

<Schools established by education management companies>

○ Act on Special Districts for Structural Reform

Article 12-11 For application of the laws listed in the first column of the following table concerning an education management company, the words and phrases provided in the third column of the same table among the provisions provided in the second column of the same table shall be those provided in the fourth column of the same table, respectively.

Copyright Act (Act No. 48 of 1970)	Article 35, paragraph 1	excluding, however, those institutions established	excluding, however, those institutions established, including schools established by an education management company (as set forth in Article 12, paragraph 2 of the Act on Special Districts for Structural Reform (Act No. 189 of 2002; the same applies in Article 38, paragraph 1).
	Article 38, paragraph 1	or viewing audience	or viewing audience
		without charging a fee	without charging a fee or if exploited for activities to conduct the education or studies without charging a fee to the listening or viewing audience in a school established by an education management company

(2) “Classes” in primary and secondary education

▽ Common to elementary, junior high, and high schools: Student-led activities

Order for Enforcement of School Education Act, curriculum guidelines for elementary, junior high, and high schools

Class activities, club activities, student council/student-body activities, school events, etc.

▽ Elementary schools (first-half of a course of study at a compulsory education school)

Order for Enforcement of School Education Act (Articles 50, 51, 52, etc.)

Japanese language, social studies, arithmetic, science, living environment studies, music, arts and crafts, home economics, physical education, ethics, foreign language, foreign language activities, period for integrated studies, student-led activities, independent activities (school for special needs education), religion (alternative to ethics), etc.

▽ Junior High schools (second-half of a course of study at a compulsory education school, first-half of a course of study at a secondary education school)

Order for Enforcement of School Education Act (Articles 72, 73, 79)

Japanese language, social studies, mathematics, science, music, foreign language, art, health and physical education, technology and home economics, ethics, period for integrated studies, student-led activities, independent activities (school for special needs education), religion (alternative to ethics), etc.

▽ **High schools (second-half course of secondary education school)**

Order for Enforcement of School Education Act (Article 84, etc.)

Ordinary subjects: Japanese language, geography and history, civics, mathematics, science, foreign language, health and physical education, art, home economics, information, school designated subjects and courses

○ Specialized subjects: Agriculture, industry, commerce, fisheries, home economics, nursing, information, welfare, foreign language, inquiry-based study of science and mathematics, physical education, music, art, school designated subjects and courses

○ Activities other than subjects: Period for inquiry-based cross-disciplinary study, student-led activities, independent activities, religion (alternative to ethics)

○ **Curriculum guidelines, Student-led activities (about 35 hours a year)**

<Elementary schools>

Class activities, student council activities, club activities, school events

<Junior-high schools>

Class activities, student-body activities, school events

<High schools>

Home room activities, student-body activities, school events

◆ **Extracurricular activities**

<Club activities in junior-high and high schools>

○ **Curriculum guidelines for junior-high schools, Chapter 1 General Provisions (Notice of 2017)**

Section 5 Notes on school management

1 Improvement of curriculum and school evaluation, coordination with extracurricular activities, etc.

(C) Care shall be taken to keep extracurricular school educational activities in association with the curriculum. In particular, club activities conducted through independent and voluntary participation of students contribute to the development of qualities and abilities aimed for by school education, including familiarization with sports, culture, science, etc., increased motivation to study and fostering a sense of responsibility and a sense of solidarity, and care shall be taken to maintain association with the curriculum. When doing so, management practices including cooperation of the local residents and coordination with social education institutions and various organizations related to social education shall be devised to build a sustainable management system.

○ **Order for Enforcement of School Education Act**

Article 78-2 An instructor of club activities shall be engaged in technical guidance regarding educational activities related to sports, culture, science, etc. in a junior high school (excluding those conducted as part of a junior high school curriculum).

○ **Comprehensive guidelines for principles of athletic club activities (Sports Agency: March 2018)**

○ **Comprehensive guidelines for principles of cultural club activities (Agency for Cultural Affairs: March 2018)**

<Miscellaneous>

◆ **Open (research) class**

○ **Notice of 2017, Elementary school curriculum guidelines, Chapter 1 General Provisions, Section 3 Implementation of curriculum and evaluation of learning**

1 Improvement of classes for the realization of independent, interactive and profound learning

(1) To improve classes for the realization of independent, interactive and profound learning by schoolchildren, by looking through the content, such as units and subject matters, and time so that the matters indicated in (1) through (3) of Chapter 1, Section 3 can be realized without bias.

◆ **Class review meeting**

○ **Notice of 2017, Elementary school curriculum guidelines, Chapter 1 General Provisions, Section 3 Implementation of curriculum and evaluation of learning**

1 Improvement of classes for the realization of independent, interactive and profound learning

(1) To improve classes for the realization of independent, interactive and profound learning by schoolchildren, by looking through the content, such as units and subject matters, and time so that the matters indicated in (1) through (3) of Chapter 1, Section 3 can be realized without bias.

◆ **Open school (class visit) for local residents and parents**

○ **School Education Act**

Article 43 An elementary school shall actively provide information about the educational activities of the elementary school and school management status, to deepen the understanding for the elementary school by the parents, local residents and other stakeholders and contribute to advancing the coordination and cooperation with such parties.

○ **Ordinance for Enforcement of School Education Act**

Article 67 An elementary school shall make efforts to perform evaluation by the parents of the schoolchildren of the elementary school and other stakeholders of the elementary school (excluding its staff) that is based on the results of evaluation according to the provisions of paragraph 1 of the preceding Article, and publicly disclose the results thereof.

* These provisions apply mutatis mutandis to kindergartens (Article 28), junior high schools (Article 49), high schools (Article 62), secondary education schools (Article 70), school for special needs educations (Article 82), specialized training colleges (Article 133) and miscellaneous category schools (Article 134, paragraph 2), respectively.

(3) “Classes” in higher education

○ **School Education Act**

Article 83 A university shall aim to widely confer knowledge as the center of academic learning, deeply teach and study specialized libera arts, and develop intellectual, moral and applied abilities.

○ **Standards for Establishment of Universities**

Article 19 A university shall establish the class subjects necessary to achieve the educational purpose of the university, respective faculties, departments, courses, etc., and shall organize the curricula systematically.

Article 31

2 A university may grant credits to a person other than one of its students who takes a special course set forth in Article 105 of the School Education Act (hereinafter referred to as a "special course student" in this Article), as specified by the university.

○ **School Education Act**

Article 105 A university may organize a special course for a person other than a student of the university and issue a certificate to certify the fact of completion to a person who has completed the course, as specified by the Minister of Education, Culture, Sports, Science and Technology.

Note: The course certification program is a "special course."

○ **Ministry of Education Notice No. 68 of 1991** (studies for which a university may grant credits according to the provisions of Article 29, paragraph 1 of the Standards for Establishment of Universities) = Partially amended in August 2019

1 Studies in a major course of a university or in a special course organized by the university pursuant to the provisions of Article 105 of the School Education Act (Act No. 26 of 1947).

...

6 Studies in a course or an extension course given by a university, a junior college, etc., based on the accreditation by the Minister of Education, Culture, Sports, Science and Technology pursuant to the provisions in Note 3, Item 6 of the Appended Table of the School Teacher’s License Act (Act No. 147 of 1949) that is found to have a level equivalent to a university education at a university.

7 Studies in a course for social education supervisors given by a university, a junior college, etc., under the commission by the Minister of Education, Culture, Sports, Science and Technology, pursuant to the provisions of Article 9-5 of the Social Education Act (Act No. 207 of 1949) that is found to have a level equivalent to a university education at a university.

8 Studies in a course for librarians and assistant librarians given by a university, a junior college, etc., under the commission by the Minister of Education, Culture, Sports, Science and Technology, pursuant to the provisions of Article 6 the Library Act (Act No. 118 of 1950) that is found to have a level equivalent to a university education at a university.

9 Studies in a course for teacher librarians given by a university, a junior college, etc., under the commission by the Minister of Education, Culture, Sports, Science and Technology, pursuant to the provisions of Article 5, paragraph 3 of the School Library Act (Act No. 185 of 1953) that is found to have a level equivalent to a university education at a university.

<Grounds for FD>

○ **Standards for Establishment of Universities**

Article 25-3 A university shall implement organized training and research for the purpose of improving the contents and methods of the classes of the university.

<Grounds for SD>

○ **Standards for Establishment of Universities**

Article 42-3 A university shall provide opportunities for training to its staff to acquire necessary knowledge and skills and to enhance their abilities and qualities (excluding those corresponding to the training set forth in Article 25-3) and take other necessary measures for the purpose of the proper and effective management of its education and research activities, etc.

<Grounds for extension courses given by a university>

○ **School Education Act**

Article 107 A university may establish a facility for extension courses.

2 Matters necessary for extension courses will be determined by the Minister of Education, Culture, Sports, Science and Technology.

○ **National University Corporation Act**

Article 22 A national university corporation will perform the following operations:

4 Establishing extension courses and providing other opportunities for learning to persons other than its students.

<Specialized training college>

○ **School Education Act**

Article 125 A specialized training college shall provide an advanced course, a specialized course or a general course of study.

2 The advanced course of study of a specialized training college shall provide the education in the preceding Article according to physical and mental development, upon the foundation of an education in a junior high school to a graduate of a junior high school or an equivalent school or a compulsory education school, a person who has completed the first half course of a secondary education school, or a person found to have at least an equivalent academic ability to that of the graduates or persons mentioned above as determined by the Minister of Education, Culture, Sports, Science and Technology.

3 The specialized course of a specialized training college shall provide the education in the preceding Article, upon the foundation of an education in a high school to a graduate of a high school or an equivalent school or a secondary education school, or a person found to have an equivalent academic ability to that of those graduates or persons mentioned above as determined by the Minister of Education, Culture, Sports, Science and Technology.

4 The general course of a specialized training college shall provide the education set forth in the preceding Article other than the education of an upper secondary course or a specialized course.

○ **Specialized Training College Establishment Standards**

- Article 8 The advanced course of study of a specialized training college shall establish class subjects suitable for education in a specialized training college according to physical and mental development upon the foundation of an education in a junior high school.
- 2 The specialized course of study of a specialized training college shall establish class subjects that are deep and suitable for education in a specialized training college to a professional extent upon the foundation of an education in a high school.
 - 3 For the establishment of the class subjects of the specialized course of study set forth in the preceding paragraph, proper considerations shall be given so as to foster a well-rounded character.
 - 4 The general course of study of a specialized training college shall establish lesson subjects suitable for education in a specialized training college according to their purpose.

○ **Ministry of Education Notice No. 184 of 1999** (studies that may be deemed as a learning of class subjects by a specialized training college set forth in the provisions of Article 10, paragraphs 1 and 3 of the Specialized Training College Establishment Standards)

- 1 Studies separately set forth in Article 11, paragraph 1 of the Ministerial Order shall be those listed below:
(Omission)
- 3 Studies in an extension course or any other study opportunities provided as ancillary business by a university, a junior college, a technical college or a specialized training college, studies in a course established in a community hall or any other social education institution, or other studies similar thereto.
(Omission)

(4) “Classes” in social education institutions

<“Classes” in a public hall>

○ **Social Education Act**

- Article 20 The purpose of a community hall is to engage in various educational, academic or cultural businesses conforming to actual life, and thereby provide personal enrichment, improve health and purify sentiments, and contribute to the promotion of social welfare.
- Article 22 A community hall generally engages in the businesses to the left in order to achieve the purpose in Article 20; provided, however, that this does not apply to those prohibited by this act or any other law or regulation:
- 1 Establishing regular courses.
 - 2 Holding panel discussions, training sessions, lectures, practice sessions, exhibitions, etc.
 - 3 Providing books, records, models, materials, etc. and promoting their exploitation.
 - 4 Holding assemblies related to physical education, recreation, etc.
 - 5 Promoting contacts with various organizations, institutions, etc.

<“Classes” in a library>

○ Library Act

Article 3 In order to provide library services, a library shall endeavor to generally accomplish the following matters by taking into account conforming to the local situations and the hopes of the general public, supporting school education and contributing to the improvement of education in the family.

(Omission)

6 Organizing reading circles, study groups, viewing groups, screenings and exhibits of data and materials, etc., and encouraging the holding of these events.

...

8 Providing opportunities for educational activities by utilizing the achievements of learning obtained through the use of learning opportunities in social education and other educational activities, and encouraging the provision thereof.

(Omission)

<“Classes” in a museum>

○ Museum Act

Article 3 In order to achieve the purpose set forth in the first paragraph of the preceding Article, a museum will generally perform the following business:

(Omission)

7 Organizing lectures, training sessions, screenings, study groups, etc. related to museum materials, and supporting the holding of these events.

9 Providing opportunities for educational activities by utilizing the achievements of learning obtained through the use of learning opportunities in social education and other educational activities, and encouraging the provision thereof.

(Omission)