

**Remuneration System for Public Transmission
of Copyrighted Work in School Lessons**

Guide to Filing a Usage Report

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April 2023

**Society for the Administration of Remuneration
for Public Transmission for School Lessons
(SARTRAS)**

1 Introduction

By having the founding organization of an educational institution pay a prescribed amount of remuneration, the Remuneration System for Public Transmission of Copyrighted Work in School Lessons (hereafter referred to as “this system”) allows persons such as instructors and students to transmit, via the Internet and other means, publicly released copyrighted works and other materials as part of classes without obtaining permission from the rightsholder.

In keeping with Article 35 of the Copyright Act, the remuneration paid by the founding organization of an educational institution is collected by SARTRAS, the only body designated to do so by the Commissioner of the Agency for Cultural Affairs. SARTRAS then distributes that remuneration to the rightsholders (copyright holders, neighboring rightsholders, etc.) of the copyrighted works that were transmitted as part of a class.

To ensure the proper distribution of remuneration, it is vital to identify the rightsholders of copyrighted works and other materials that were publicly transmitted as part of a class or other activities. To that end, SARTRAS is currently requesting that usage reports be submitted as part of a sample survey.

We apologize for any extra burden this may place on the participating institutions, and we thank you for your understanding and cooperation.

Society for the Administration of Remuneration for Public Transmission for School Lessons
(SARTRAS)

◆Regarding Article 35 of the Copyright Act

To publicly transmit copyrighted works and other materials under this system, it is necessary to fulfill all the requirements stipulated in Article 35 of the Copyright Act.

For information about these requirements, please refer to the “Guidelines for Article 35 of the Amended Copyright Act (改正著作権法第35条運用指針)” contained in the “Forum for Related Persons Regarding the Educational Use of Copyrighted Materials (著作物の教育利用に関する関係者フォーラム)” (hereafter referred to as the “educational copyrights forum”).

<https://sartras.or.jp/unyoshishinfortranslation/>

◆Please use the most recent edition of this guide.

Changes and upgrades will be made to the usage report entry form in the future. This will also necessitate changes to this guide, so make sure that you have the most recent version at hand. You can access the latest version of this guide on the entry form website, under “Related materials.”

2 Process for filing a usage report

Usage reports will be filed by approximately 1,200 educational institutions (in the case of universities, faculties are counted separately) chosen to participate in the sample survey.

Survey period and deadline

Survey period: Dates indicated to each participating institution by SARTRAS

(1 month in principle)

※However, July-August surveys will be conducted for those months minus the summer break.

Deadline: The final day of the month following the survey period, in principle

Survey period	Deadline
April 2023	May 31, 2023
May	June 30
June	July 31
July	September 30
July-August	
September	October 31
October	November 30
November	December 28
December	January 31, 2024
January 2024	February 29
February	March 29
March	April 26

Process for filing and submitting reports

All usage reports will be filed, confirmed and submitted through the TSUMUGI usage report entry form.

3 Copyrighted works, etc. requiring a usage report

▼ Usage reports are required when copyrighted and other works belonging to a third party are “publicly transmitted”※ as part of a class under Article 35 of the Copyright Act (this includes preparation for a class and later review).

※ **Public transmission**

Situations including teachers sending to students – through the Internet or other channels – teaching material data that contains copyrighted work belonging to a third party, or having students in an online class look at or listen to the copyrighted work of a third party or teaching materials containing the copyrighted work of a third party. It also constitutes public transmission if students engage in such activities.

Recently, online class tools such as Google Classroom and LoiLoNote School, meeting tools such as Zoom, and universities’ learning management systems are being used to share classes and teaching materials. These situations also constitute public transmission.

However, should the sending and receiving of copyrighted materials take place entirely within a single institution, using servers located physically within that institution, that does NOT constitute public transmission.

Examples of copyrighted works used in class

Materials such as the following are typically viewed as copyrighted materials.

- Text
- Photographs
- Illustrations, artworks (including designs)
- Charts (maps, drawings, tables, graphs, etc. of an academic nature)
- Comics
- Exam questions
- Lyrics, sheet music
- Music (including music videos)
- Audio that does not include music
- Videos
- Broadcast programs
- Computer program code

Copyrighted materials are contained in media such as the following:

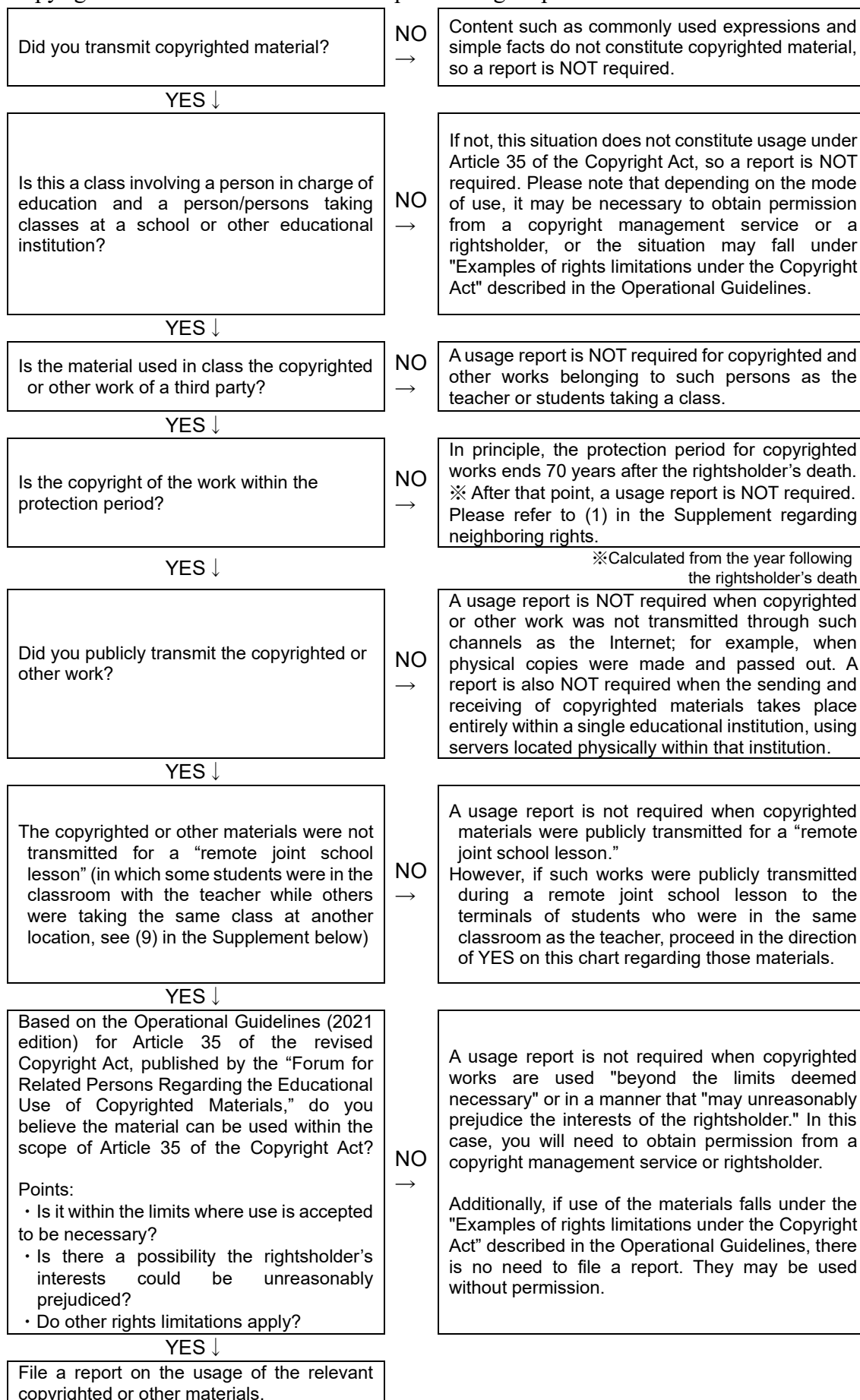
- Books (including electronic publications)

- Magazines (including electronic editions)
- Newspapers (including electronic editions)
- Authorized textbooks※, teacher's manuals, accompanying digital content, etc.
- Past exam questions
- The Internet
- Music CDs
- Video DVDs, Blu-rays, etc.
- Booklets, pamphlets, etc.
- Broadcasts (TV, radio)
- Internet transmissions of teachers, students or others engaging in such performances as dance, theater or music
- Live or recorded video or audio of such situations as classes, field days or school art festivals in which copyrighted and other materials were used (for example, playing music or choral performances, reciting works of literature, performing dance or theatre, etc.)

※ Authorized textbooks have passed the screening process of the Education, Culture, Sports, Science and Technology Minister and are used in elementary, junior high school and high school classes. Specialized books and other materials that universities and other institutions designate as textbooks are NOT considered “authorized textbooks.”

Please refer to the chart on the next page regarding copyrighted and other materials that require a usage report.

Copyrighted and other materials that require a usage report



【Supplement】

- (1) In addition to copyrights, sound and image recordings such as CDs and movies involve the neighboring rights of performers (such as singers, musicians and actors), record producers, broadcasters, and cable broadcasters. Please provide as much information as you can to identify the copyrighted materials used and the sources from which they were obtained. Performances are protected for 70 years from the time of the performance※; records for 70 years from the time the record was issued※; broadcasts and cable broadcasts for 50 years from the time the broadcast took place※.
※These protection periods begin from the year following the performance, issuance of the record, broadcast or cable broadcast.
- (2) Using an entire authorized textbook, book, etc., or using a large portion of it in multiple classes – even if only a portion is used for each class – may unreasonably prejudice the interests of rightsholders, according to the Operational Guidelines. This is an example of a case where the prescribed remuneration will not cover the usage of the material. Please read the Operational Guidelines carefully before using the material and filing a report.
- (3) Within the “Examples of rights limitations under the Copyright Act” listed in the Operational Guidelines, no report is required if the requirements in Article 32 of the Copyright Act regarding quotations are met.

A quotation must be:

- ① Taken from a publicly released copyrighted work
- ② Consistent with fair practice
- ③ Within a scope that is justified for the purposes of news reporting, criticism, research, and other activities.

Specifically, care must be taken regarding the following points:

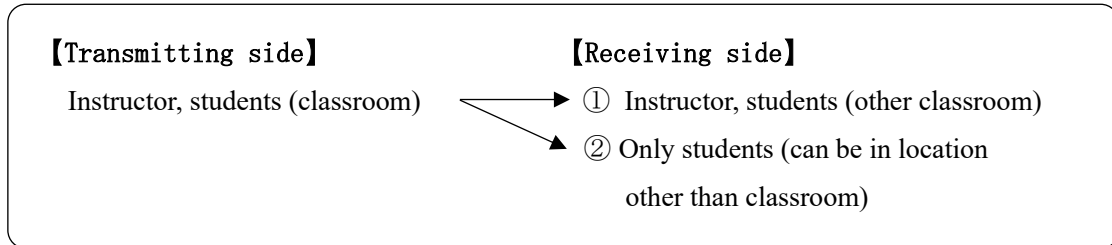
- A) It is necessary to quote the copyrighted work of another person.
- B) One’s own copyrighted work and the quoted portions of another person’s work must be clearly distinguished from each other through the use of quotation marks or other means.
- C) The hierarchal relationship between one’s own copyrighted work and the quoted portions of another person’s work must be clear (with one’s own work being the main material and the quoted portions being subordinate)
- D) Sources must be clearly stated.

※Please decide based on the above requirements whether your usage of the material falls under the definition of a quotation.

- (4) A usage report is NOT required when instructors or students create and publicly transmit works to which they hold the copyright.
- Should instructors or students' creations incorporate the copyrighted works of third parties, **a usage report IS required** regarding that third party's copyrighted work.
- (5) A usage report is NOT required when you have made reproductions that are allowed without permission or remuneration, such as distributing paper copies of copyrighted material for a face-to-face class.
- However, **a usage report IS required** if you publicly transmit the copyrighted work of which you made paper copies (reproductions).
- (6) A usage report is NOT required when you publicly transmit – at the time of the actual exam – exam problems that utilize a copyrighted work that was created for the exam.
- A report IS required** for the public transmission of exam problems after the original exam is over and they have become problems from a past exam.
- (7) A report is NOT required when students are simply informed of the already publicly released URL of a web page, YouTube video or other content.
- However, if you provide a URL for viewing content such as teaching materials or videos that were created and uploaded for classes (including real-time streaming of special activities such as field days), and the teaching materials utilize the copyrighted work of a third party, that usage becomes subject to remuneration. In that case, **a report IS required.**
- (8) Using copyrighted materials in connection with the use of digital textbooks for students for the textbooks' original purpose
- When extracting works, photos, etc. published in a digital textbook for students to create separate teaching materials, and distributing those teaching materials to students, **a usage report IS required** if these actions cannot be defined as “using digital textbooks for students.”
- A usage report is required** if digital textbooks for students, digital textbooks (teaching materials) for instructors, or electronic media scanned from paper textbooks are publicly transmitted for classes.
- (9) Use of copyrighted materials in a “remote joint school lesson”
- Copyrighted materials can be used free of charge and without permission in a real-time “remote joint school lesson” (※) in which a teacher and some students are in the classroom from which materials are transmitted. However, **a usage report IS required** if a remote joint school lesson is recorded and that recording is publicly transmitted.

※ **“Remote joint school lesson”**

When paper copies of a third party’s copyrighted materials are distributed to students in a classroom by the transmitting side, and the same materials are publicly transmitted in real time to the receiving side described in (1) or (2) below, that constitutes a remote joint school lesson.



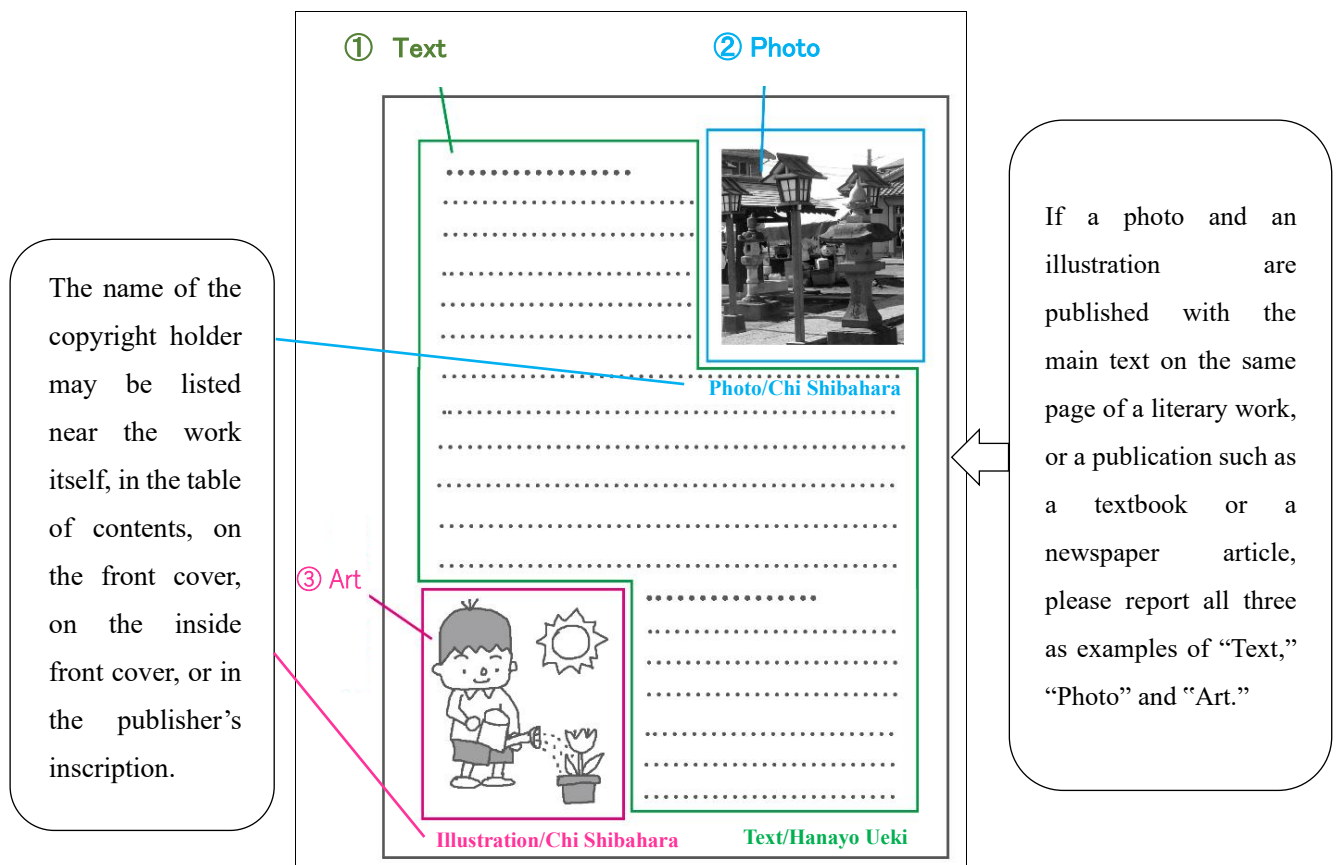
※If a class is simultaneously held face-to-face in a classroom and online, **reporting IS required** in the following two situations:

- A) Teaching materials that include copyrighted works of third parties are publicly transmitted to students’ tablets, computers, etc. during face-to-face lessons (**this does not qualify as a “remote joint school lesson.”**)
- B) Teaching materials for a lesson that include copyrighted works of third parties are publicly transmitted to students before or after the lesson.

4 Reporting the use of multiple copyrighted works

In principle, a separate report should be made for each of the copyrighted works used in a single teaching material.

When one publicly transmitted teaching material (one file) contains more than a single copyrighted work, report the use of each work separately. *E.g.*, if three works are used, three separate reports must be submitted.



※In the case of authorized textbooks, everything in principle constitutes a copyrighted work—texts, photos, explanatory texts for illustrations, etc. Therefore, when you publicly transmit part of an authorized textbook, report all works within the scope of the usage, including the main text. Identify the title of each work used, not the title of the textbook.

■ Inquiries ■

Please contact the organization below with any questions you may have about filing a usage report or other matters. In some cases, you may be asked to speak with your educational institution regarding the content of your report.

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