

NCC Annual Meeting 2019

# Overview of the Amended Copyright Act of Japan and Its Impact on NDL Services

---

March 21, 2019

National Diet Library  
Mizue FUNAKOSHI  
Miyuki TSUDA

# Contents

---

## **1. Overview of the Amended Copyright Act in 2018**

- 1-1 Extension of Copyright Protection Period
- 1-2 Promotion of Digital Archives
- 1-3 Enhancement of Accessibility to Information for Persons with Disabilities
- 1-4 Introduction of Flexible Provisions on Limitations

## **2. Impact on NDL services**

- 2-1 Photocopying
- 2-2 Digitized Contents Available Online
- 2-3 Digitized Contents Transmission Service for Libraries
- 2-4 Services for Persons with Disabilities

# **1. Overview of the Amended Copyright Act in 2018**

## **2. Impact on NDL Services**

## 1. Overview of the Amended Copyright Act

---

- 2018 was a year with major changes to copyright law
- The main amendments to the Copyright Act were...

- Extension of copyright protection period
- Promotion of digital archives
- Enhancement of accessibility to information for persons with disabilities
- Introduction of flexible provisions on limitations

(\*Focusing on library-related amendments)

## 1-1. Extension of Copyright Protection Period

---

- In 2016, the TPP Related Act was enacted, which included amendments to the Copyright Act (extension of copyright protection period, etc.)
- The TPP Related Act came into force on December 30, 2018, which was the same date as enforcement of the TPP11

### Main Amendments

➤ Extended copyright protection period from 50 to 70 years after author's death or publication

\* Copyright of works for which the protection period had already expired cannot be restored (Principle of non-retroactivity)

(Example)

Works for which the author's death was in 1968, and which copyright protection was supposed to expire for on January 1, 2019

→ Protection was extended until December 31, 2038

## 1-1. Extension of Copyright Protection Period

Summary: Extension of Copyright Protection Period

Type		Previous Act	Current Act
Works	In general	50 years after the death	70 years after the death
	Works with a pen name or no name	50 years after published	70 years after published
	Works with the name of a body corporate	50 years after published	70 years after published
	Cinematographic works	70 years after published	70 years after published
Performance		50 years after performed	70 years after performed
Record		50 years after published	70 years after published

“Q&A regarding extension of copyright protection period.” Agency for Cultural Affairs Website (in Japanese)  
[http://www.bunka.go.jp/seisaku/chosakuken/hokaisei/kantaiheiyo\\_chosakuken/1411890.html](http://www.bunka.go.jp/seisaku/chosakuken/hokaisei/kantaiheiyo_chosakuken/1411890.html)

## 1-2. Promotion of Digital Archives

---

### Main Amendments

- Expanded the beneficiaries of NDL's Digitized Contents Transmission Service
  - Digital data of out-of-print books, etc. can be sent to libraries outside of Japan
  
- Revised adjudication process for works for which author is unknown
  - National and local governments, etc. do not have to deposit compensation in advance of using orphan works
  
- Revised copyright limitations on reproduction in exhibiting artistic works, etc.

Museums, etc. can use copyrighted works without authorization in...

  - Creating digital contents to introduce/explain exhibits, or letting visitors read digital contents through tablets, etc.
  - Putting thumbnails of exhibits on museum websites, etc.

## 1-3. Enhancement of Information Accessibility for Persons with Disabilities

---

### Main Amendments

- Provided clearly that the authorization of right owners is not required in reproduction of books in accessible formats for persons with physical disabilities, etc.
- Added email as a way of data transmission of reproduction, such as DAISY, etc.

(FYI) Marrakesh Treaty (Effective in Japan since 2019)

### Main Contents of Treaty

- Providing limitations regarding the creation of accessible reproductions for persons with visual or print disabilities, etc.
- Creating framework for international exchange of reproductions and information



## 1-4. Introduction of Flexible Provisions on Limitations

- Limitations to copyright are specified and listed by individual and detailed provisions
  - Regarded as illegal if copyrighted works are used outside the listed limitations
- Requests to revise these limitations had been increasing
  - Recent progress of digitalization and networking, and promotion of innovation

### Main Amendments

- Partly introduced “flexible provisions on limitations”
    - More comprehensive and abstract than previous provisions
    - Only for cases which will cause no/minimal damage to right owners
- (Example) It is now possible to use copyrighted works without authorization for deep learning by AI, snippet display, search services to find copy-pasted text, etc.

1. Overview of the Amended Copyright Act in 2018
- 2. Impact on NDL Services**

### 2-1. Photocopying

---

- Copyright protection continues until the end of a period of **70 years** following the death of the author or the making public of the work. The copyright protection period was extended from 50 years.

(Example)

Works of Hanako Muraoka, Tsuguharu Fujita, Kan Shimosawa who died in 1968 can be copied in their entirety from 2039 (not 2019)

- Principle of non-retroactivity

Copyright of works for which the protection period had already expired cannot be restored

(Example)

Since 2018, you can get full copies of works whose authors died in 1967.

# 2-2. Digitized Contents Available Online

The screenshot shows the National Diet Library Digital Collections website. At the top, there is a search bar with a "Search" button and an "Advanced Search" button. Below the search bar, there are three checkboxes: "Available Online" (checked), "Available only at the NDL and partner libraries" (checked), and "Available only at the NDL" (checked). There is also a link for "About Access Restrictions".

The main content area is divided into several sections:

- Collections**: A grid of 10 collection categories, each with a representative image and a link. The categories are: Books, Periodicals, Rare Books and Old Materials, Doctoral Dissertations, Official Gazettes, Modern Japanese political history materials, Materials on the Allied Occupation of Japan, Prange Collection, Audio-Visual Materials, and Online Publications. Below this grid are links for Historical Recordings, Music manuscripts, Scripts, Science Film, Special Digital Collections, Collections from Other Institutions, and Naimusho Keihokuyoku Censorship Collection.
- Spotlight**: A featured collection titled "七神絵巻物" (Shichishin Emaki Monogatari). The text describes it as a book of seven chapters from the Genroku era, featuring a woodblock print illustration. It is priced at 344 yen (ISBN 978-4-8203-1111-1) and is available only at the NDL.
- News**: A section with two news items. The first, dated 2018-12-26, announces a new one-click search tool. The second, dated 2018-10-01, lists several updates to the Content Viewer, including responsive design, image quality adjustment, and PDF generation.

At the bottom, there are links for "Historical Recordings Collection" and "WARP".

[http://dl.ndl.go.jp/?\\_\\_lang=en](http://dl.ndl.go.jp/?__lang=en)

### 2-2. Digitized Contents Available Online

---

<b>Number of contents</b>	<b>2,690,000</b>
Available online	540,000 (20%)
Available at partner libraries	1,500,000 (55%)
Available only at the NDL	650,000 (25%)

as of January 2019

### 2-2. Digitized Contents Available Online

---

- Copyright protection continues until the end of a period of **70 years** following the death of the author or the making public of the work
- Principle of non-retroactivity  
Out of copyright works available online now cannot be blocked. Copyright of works cannot be restored.
- The NDL makes efforts to increase access to digitized materials via the internet, by continuing to clear their copyright, using the Commissioner of the Agency for Cultural Affairs

### 2-3. Digitized Contents Transmission Service for Libraries

---

- The NDL will be able to offer this Service to libraries not only in Japan, but also overseas

The NDL will be able to provide digitized materials which are out of print or otherwise difficult to obtain to overseas partners via digital transmission

The Enforcement Order and Enforcement Ordinance of the Copyright Law were amended on January 1, 2019.



They define the **NDL partner libraries** that may subscribe to this service.

### 2-3. Digitized Contents Transmission Service for Libraries

---

Added "...or foreign institutions similar thereto, and which are specified by **Cabinet Order**" to Copyright Law Article 31.(3)

Conditions stipulated by Enforcement Order of the Copyright Law

- ① It shall be located in a foreign country which is a member of the International Union established by the Berne Convention for the Protection of Literary and Artistic Works;
- ② It shall be established by foreign governments, local governments, or nonprofit juridical persons;
- ③ It shall conduct the business to offer books, records, and other materials for the public to use;



### 2-3. Digitized Contents Transmission Service for Libraries

---

Added "...or foreign institutions similar thereto, and which are specified by **Cabinet Order**" to Copyright Law Article 31.(3)

Conditions stipulated by Enforcement Order of the Copyright Law

- ④ It shall have a staff member equivalent to a certified librarian, etc.;
- ⑤ It shall conclude an agreement with the National Diet Library on matters concerning the development of a system necessary for proper use of works, including out-of-print or similar materials, and other matters specified by an **Ordinance of the Ministry of Education, Culture, Sports, Science and Technology**.

### 2-3. Digitized Contents Transmission Service for Libraries

The matters specified by an Ordinance of the Ministry of Education, Culture, Sports, Science and Technology shall be as follows:

- ① Matters concerning the development of a system necessary for proper use of works, including out-of-print or similar materials, which is an interactive transmission as prescribed in Article 31, paragraph (3) of the Law;

on matters concerning the development of the system necessary to properly use a work included in out-of-print or similar materials and other matters specified by an **Ordinance of the Ministry of Education, Culture, Sports, Science and Technology.**

### 2-3. Digitized Contents Transmission Service for Libraries

The matters specified by an Ordinance of the Ministry of Education, Culture, Sports, Science and Technology shall be as follows:

- ② Matters concerning the nature of works, including out-of-print or similar materials, which is an interactive transmission as prescribed in Article 31, paragraph (3) of the Law, and the method for the interactive transmission;
- ③ Matters concerning the terms in case of a change to or abolition of the agreement.

on matters concerning the development of the system necessary to properly use a work included in out-of-print or similar materials and other matters specified by an **Ordinance of the Ministry of Education, Culture, Sports, Science and Technology**.

### 2-3. Digitized Contents Transmission Service for Libraries

- Launch date scheduled for 2019
- The NDL planned to launch with the Browsing service at first

【2014～】

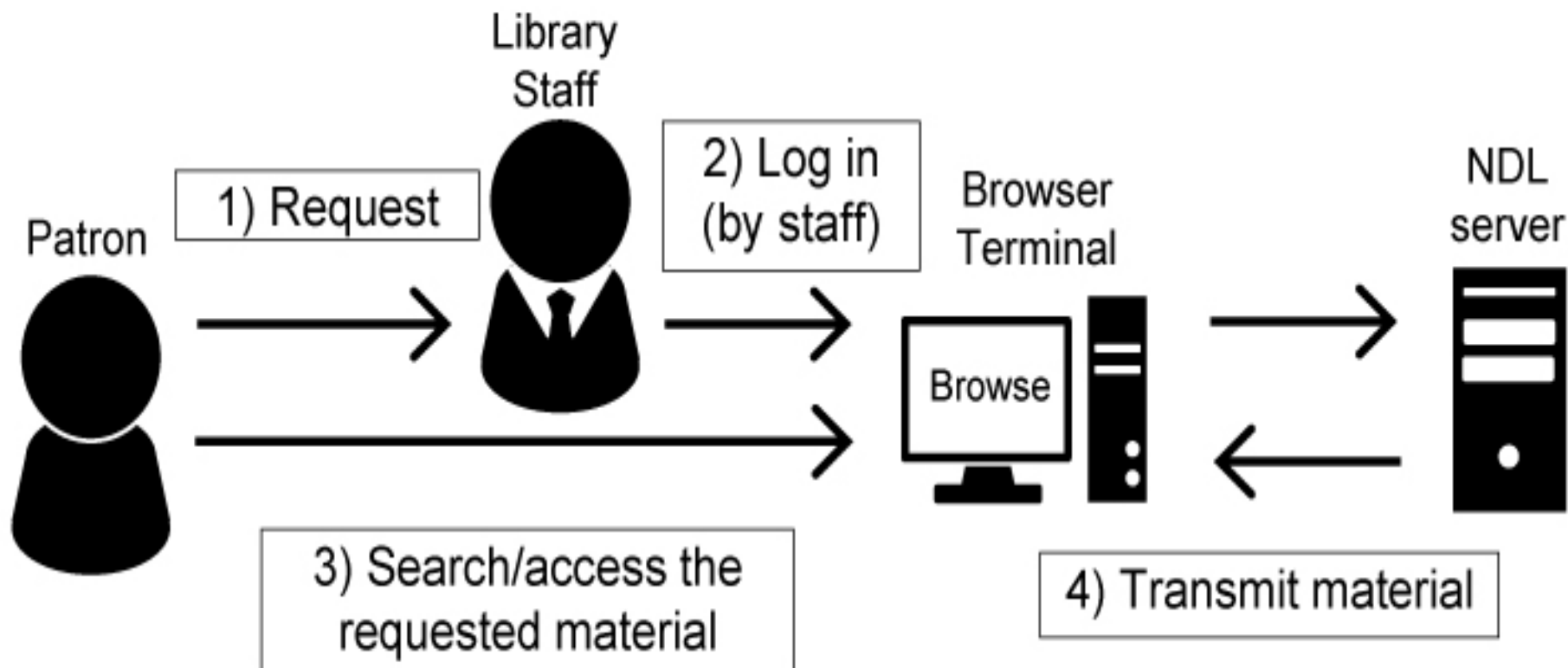


【scheduled 2019～】



# (Ref.) Terms of Use in Japan

## <Using NDL Digitized Materials Browsing services>



# (Ref.) Terms of Use in Japan

---

## <General>

- The service is available only to qualified library patrons, which generally means registered users.
- Only library staff members are allowed to log onto the terminals. The ID and password are not disclosed to patrons.
- Use of both the Browsing service and the Printout service requires two computer terminals: a browser terminal for use by patrons and a printout terminal for use by librarians. Libraries that plan on subscribing to the Browsing service but not the Printout service may use a single computer terminal for both patrons and librarians.
- A static global IP address is required.

# (Ref.) Terms of Use in Japan

---

## <Application Procedures>

Libraries that wish to subscribe to this service must submit an application to the NDL. Libraries in Japan are required to submit the following documents.

- Application form
- Documentation of the library's establishment, including documentation of the librarians' certification.
- An illustration showing the layout of the reading room and where the terminals are located.
- An annual report, brochure, or other printed materials that describe the library's activities.
- A checklist for device and network requirements

The NDL is also planning to require that overseas libraries sign an agreement guaranteeing compliance with the terms of use and proving that browsing copyrighted materials via a computer terminal is lawful in that country.

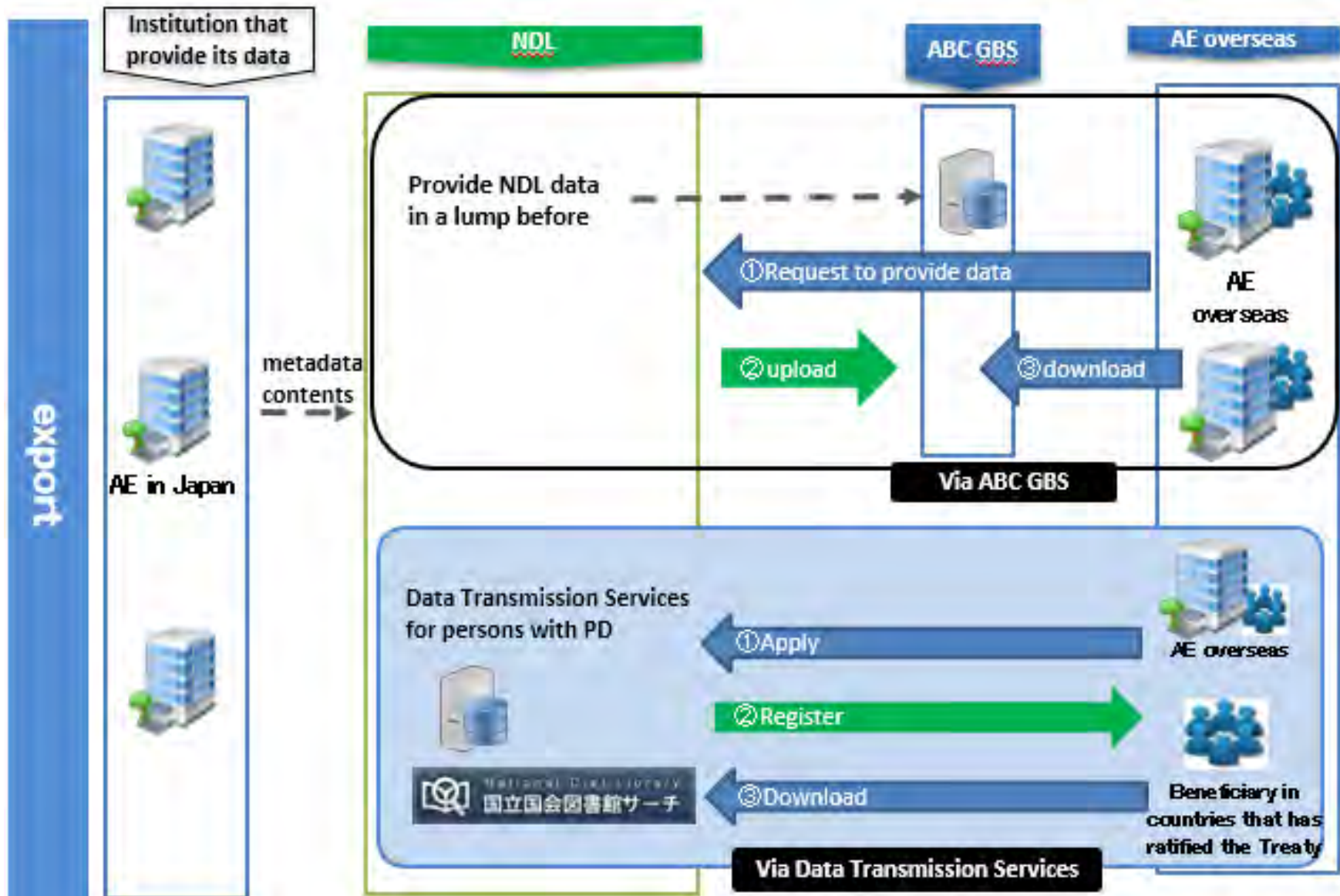
### 2-4. Services for Persons with Disabilities

---

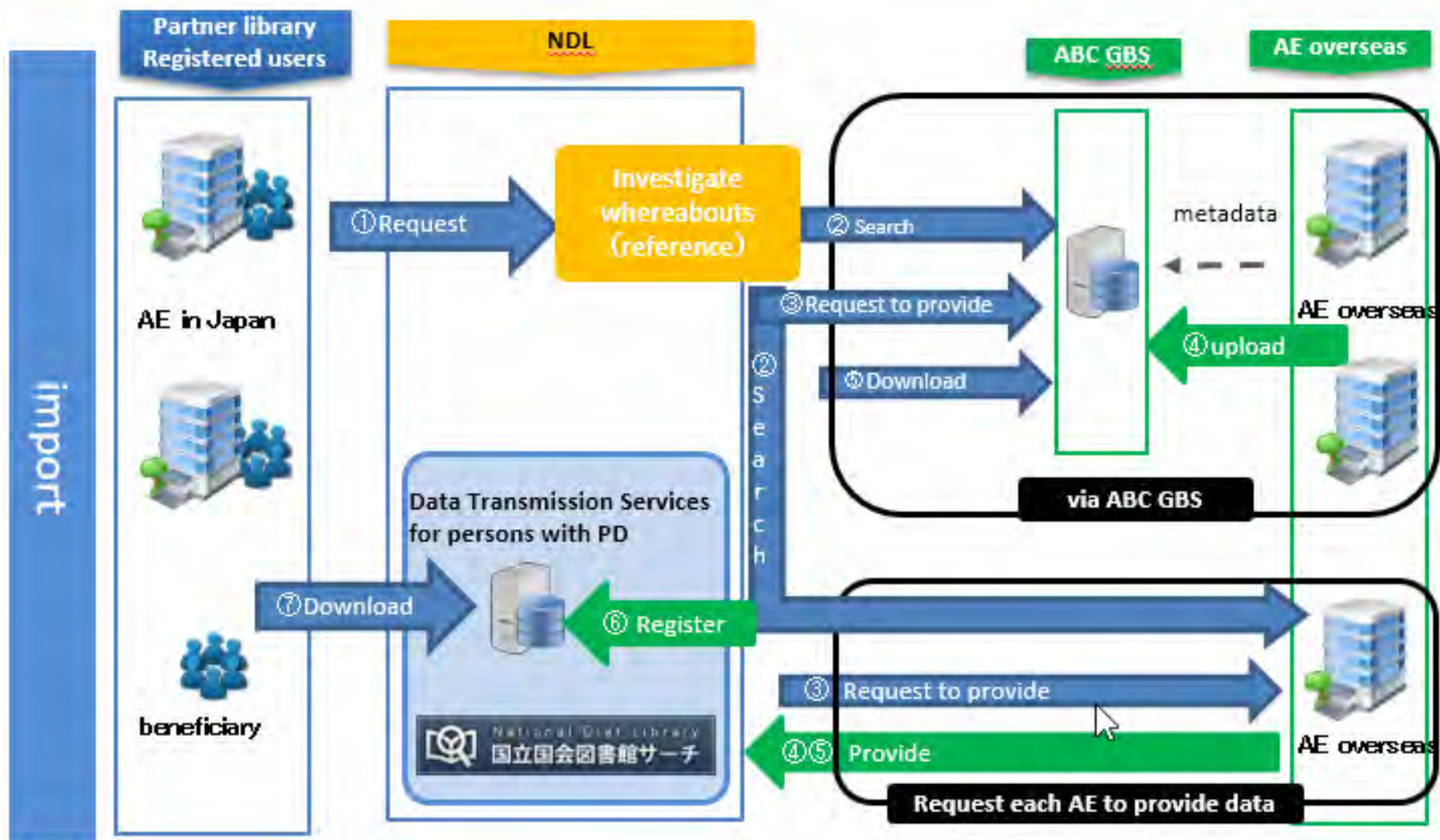
- As a main AE (Authorized Entity), the NDL serves as a contact between Japan and overseas
  - Import and export DAISY
  
- The NDL is a member of the Global Book Service run by the Accessible Book Consortium
  - Collect and provide metadata from libraries in Japan
  
- NDL has expanded the scope of who can use the Data Transmission Services for persons with print disabilities
  - Persons with print disabilities in Japan and also in countries that have ratified the Treaty can subscribe to the Services.



# 2-4. Services for Persons with Disabilities



# 2-4. Services for Persons with Disabilities



# Reference

---

- “Recent Law Amendment” Agency for Cultural Affairs Website (in Japanese)
  - <http://www.bunka.go.jp/seisaku/chosakuken/hokaisei/index.html>
    - ✂ Please refer to links regarding to amendment in 2018.
  
- “Digitized Contents Transmission Service for Libraries (for librarians) ” National Diet Library Website (in Japanese)
  - [http://www.ndl.go.jp/jp/library/service\\_digi/index.html](http://www.ndl.go.jp/jp/library/service_digi/index.html)

**Thanks for your attention !**