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Copyright Law of Japan

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Chapter VIII Penal Provisions

Article 119. (1) Any person who infringes copyright, right of publication or neighboring rights (excluding those who reproduce by themselves works or performances, etc. for the purpose of private use mentioned in [Article 30](#), paragraph (1) (including the case where its application mutatis mutandis is provided for in [Article 102](#), paragraph (1); the same shall apply in paragraph(3)), those who do an act considered to constitute an infringement on copyright or neighboring rights (including the rights considered as neighboring rights under the provisions of [Article 113](#), paragraph (4); the same shall apply in [Article 120bis](#), item (iii)) under the provisions of [Article 113](#), paragraph (3), those who do an act considered to constitute an infringement on copyright or neighboring rights under the provisions of [Article 113](#), paragraph (5) and those who are mentioned in item (iii) or (iv) of the next paragraph) shall be punishable by imprisonment for a term not exceeding ten years or a fine not exceeding ten million Yen, or both.

(2) The following shall be punishable by imprisonment for a term not exceeding five years or a fine not exceeding five million Yen, or both:

(i) any person who infringes moral rights of authors or moral rights of performers (excluding those who do an act considered to constitute an infringement on moral rights of authors or moral rights of performers under the provisions of [Article 113](#), paragraph (3));

(ii) any person who, for profit-making purposes, causes others to use automatic reproducing machines mentioned in [Article 30](#), paragraph (1), item (i) for such reproduction of works or performances, etc. as constitutes an infringement on copyright, right of publication or neighboring rights;

(iii) any person who does an act considered to constitute an infringement on copyright, right of publication or neighboring rights under the provisions of [Article 113](#), paragraph (1);

(iv) any person who does an act considered to constitute an infringement on copyright under the provisions of [Article 113](#), paragraph (2).

(3) Any person who infringes copyright or neighboring rights by knowingly making a digital sound or visual recording by himself, for the purpose of a private use mentioned in [Article 30](#), paragraph (1), upon reception of an interactive transmission which infringes copyright or neighboring rights (including such transmission which is made outside this country and which would constitute an infringement on copyright or neighboring rights if it was made in this country) of an onerous work, etc. ("an onerous work, etc." means a recorded work or performance, etc. (which is the subject matter of copyright or neighboring rights) which is onerously offered to or made available to the public (only in the case where such offering to or making available to the public does not infringe copyright or neighboring rights) shall be punishable by imprisonment for a term not exceeding two years or a fine not exceeding two million Yen, or both.

Article 120. Any person who violates the provision of [Article 60](#) or [Article 101ter](#) shall be punishable by a fine not exceeding five million yen.

Article 120bis. The following shall be punishable by imprisonment for a term not exceeding three year or a fine not exceeding three million Yen, or both:

(i) any person who transfers to the public the ownership of, or lends to the public, manufactures, imports or possesses for transfer of ownership or lending to the public, or offers for the use by the public, a device having a function for the circumvention of technological protection measures (such a device includes such a set of parts of a device as can be easily assembled) or copies of a program having a function for circumvention of technological protection measures, or transmits publicly or makes transmittable such program (such making transmittable is limited to that made for offering to use for the purpose of enabling an act of infringing copyright, etc. by means of a circumvention of technological protection measures, in the case where such device or program has also another function);

(ii) any person who, as a business, circumvents technological protection measures in response to a request from the public;

(iii) any person who, for profit-making purposes, does an act considered to constitute an infringement on moral rights of authors, copyright, moral rights of performers or neighboring rights under the provisions of [Article 113](#), paragraph (3);

(iv) any person who, for profit-making purposes, does an act considered to constitute an infringement on copyright or neighboring rights under the provisions of [Article 113](#), paragraph (5).

Article 121. Any person who distributes copies of works on which the true name or generally known pseudonym of a non-author is indicated as the name of the author (including copies of derivative works on which the true name or generally known pseudonym of a non-author of the original work is indicated as the name of the original author) shall be punishable by imprisonment for a term not exceeding one year or a fine not exceeding one million Yen, or both:

Article 121bis. Any person who makes, distributes, possesses for distribution or makes an offer to distribute copies of commercial phonograms reproduced from any of the following commercial phonograms (including copies of such commercial phonograms and those made through one or more intervening copies) shall be punishable by

imprisonment for a term not exceeding one year or a fine not exceeding one million Yen, or both: provided that such making, distribution, possession or making an offer of distribution of copies is made within a period of fifty years from the year following the date of the first fixation of sounds on matrices of phonograms:

- (i) commercial phonograms which have been manufactured, by those engaging in the business of manufacturing commercial phonograms in this country, from matrices of phonograms (except those phonograms falling within any of the four items of [Article 8](#)) offered by producers of phonograms;
- (ii) commercial phonograms which have been manufactured, by those engaging in the business of manufacturing commercial phonograms outside this country, from matrices of phonograms (except those phonograms falling within any of the four items of [Article 8](#)) offered by producers of phonograms who are nationals of any of the Contracting States of the Convention for the Protection of Performers, etc., the members of the World Trade Organization or the Contracting States of the Phonograms Convention ("nationals" includes legal persons established under the law of such State or member and those who have their principal offices in such State or member).

Article 122. Any person who violates the provisions of [Article 48](#) or [Article 102](#), paragraph (2) shall be punishable by a fine not exceeding five hundred thousand Yen.

Article 122bis. (1) Any person who violates an order to keep secrets shall be punishable by imprisonment for a term not exceeding five years or a fine not exceeding five million Yen, or both.
(2) The offences under the preceding paragraph shall also apply to any person who has committed offences under that paragraph outside this country.

Article 123. (1) In the case of offences under [Article 119](#), [Article 120bis](#), items (iii) and (iv), [Article 121bis](#) and paragraph (1) of the preceding Article, the prosecution shall take place only upon the complaint of the injured person.
(2) A publisher of an anonymous or a pseudonymous work may lodge a complaint with respect to such work published by him, except in the cases where the proviso to [Article 118](#), paragraph (1) is applicable and where the complaint is contrary to the express will of the author.

Article 124. (1) Where a representative of a legal person (including an administrator of a non-judicial association or foundation) or an agent, an employee or any other worker of a legal person or a person violates the provisions mentioned in any of the following items in connection with the business of such legal person or such person, a fine under any of these items shall be imposed upon such legal person, and a fine under any of the Articles mentioned in item (ii) shall be imposed upon such person, in addition to the punishment of the offender:

- (i) [Article 119](#), paragraph (1) or paragraph (2), item (iii) or (iv) or [Article 122bis](#), paragraph (1) : a fine not exceeding three hundred million Yen;
 - (ii) [Article 119](#), item paragraph (2), item (i) or (ii) or [Article 120](#) to [122](#): a fine under any of these Articles.
- (2) In the case where the provision of the preceding paragraph applies to a non-judicial association or foundation, its representative or administrator shall represent such association or foundation with regard to proceedings, and the provisions of the Code of Criminal Procedure which are applicable when a legal person is the accused or the suspect shall apply *mutatis mutandis*.
- (3) In the case of paragraph (1), a complaint lodged against an offender or the withdrawal of such complaint shall be effective also with respect to the legal person or the person concerned, and a complaint lodged against a legal person or a person or the withdrawal of such complaint shall be effective also with respect to the offender concerned.
- (4) The period of prescription in the case where a fine is to be imposed on a legal person or a person who, under the provisions of paragraph (1) of this Article, has violated the provisions of [Article 119](#), paragraph (1) or (2) or [Article 122bis](#), paragraph (1), shall be that for offenses under these provisions.

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