

SECOND REPORT ON MEASURES TAKEN TO IMPLEMENT THE RECOMMENDATION CONCERNING THE PROMOTION AND USE OF MULTILINGUALISM AND UNIVERSAL ACCESS TO CYBERSPACE

JAPAN (2007-2010)

The following summary includes the activities undertaken from 2007 to 2010 in Japan since the Recommendation was adopted by the General Conference of UNESCO in 2003.

Japan has developed appropriate national policies on the promotion of universal access to cyberspace.

Ministry of Internal Affairs and Communications (MIC), which is playing a leading role in facilitating access to networks and services, has taken active measures for the development of networks and services and the promotion of ICT.

In addition, Agency for Cultural Affairs and National Diet Library (NDL) make efforts to promote the fair and smooth use of copyrighted materials over the Internet by updating the national copyright legislation and providing digital information respectively. Furthermore, National Archives of Japan (NAJ) strives to encourage its utilization by the general public and expand the digitization of public archives.

1. Development of Multilingual Content and Systems

Nothing in particular

2. Facilitating Access to Networks and Services

(1) National efforts to recognize and support universal access to the Internet as well as to promote access to the Internet as a service of public interest

-Bridging the digital divide

The "Strategies for Bridging the Digital Divide" inclusive of the priority policies for using broadband in all regions lacking broadband capability were established in June 2008. Based on this, broadband infrastructure has been under development, and as of the end of March 2010, the estimated broadband service area coverage rate of households stood at 99.1% (52,390,000 households). With the goal of eliminating broadband-zero areas by the end of March 2011, MIC continues to promote the development of broadband infrastructures.

- Promotion of barrier-free information

MIC has been providing support for research and development of communications and broadcasting technology for the elderly and physically challenged so as to further the development of systems, devices and services for these segments of the population.

Funding support is provided as necessary to corporations engaged in providing or developing communications and broadcasting services for the physically challenged.

(2) Mechanisms established at the local and national levels to facilitate universal access to the Internet through affordable telecommunications and Internet costs

Nothing in particular

(3) Measures taken for encouraging the development of information strategies and models that facilitate community access and support cooperation on ICT among public service institutions.

In order to eliminate inefficiency and waste between the local governments and to enhance the improvement of people's convenience, MIC has established the "Regional Information Platform" and has standardized relevant information systems. Also hoped through promoting these efforts is that public conveniences will be improved such as implementation of "One-Stop Services" in collaboration with the systems operated by the local governments.

3. Development of Public Domain Content

(1) The legal and administrative measures adopted to give effect to the provisions of this part of the Recommendation

(a) recognizing and enacting the right of universal online access to public and government-held records

Legislation was enacted which allows the NDL to collect Internet resources of public institutions.

The Public Records and Archives Management Act, enacted in July 2009 as a fundamental law for the administration of government documents and records, stipulates that the relevant institutions shall make efforts in promoting public use of their holdings. As part of these efforts, the digital archives are expected to be further improved and expanded in the NAJ.

(b) identifying and promoting repositories of information and knowledge in the public domain and making them accessible by all

The NDL provides on the Internet digitized materials whose copyright is expired or

cleared, including rare books and Japanese books published in the Meiji and Taisho eras.

NAJ has been developing a "National Archives of Japan Digital Archive." The Digital Archive enables searches through NAJ's entire holdings via an online database containing approximately 1.2 million volumes of government records. NAJ holdings consist mainly of public records dating back to the Meiji Era as well as the Tokugawa Shogunate's classic books and records. The Digital Archive has also provided digital images of NAJ holdings for free since 2005. Currently, about 10% of the public records preserved in the custody of NAJ are available through the Internet, roughly 8.68 million document images.

The Japan Center for Asian Historical Records (JACAR), established within NAJ, provides free, digital images of historical records pertaining to relations between Japan and its Asian neighbors from the years of 1860 - 1945. JACAR's digitalized records are from the holdings of three organizations: NAJ, Diplomatic Records Office of the Ministry of Foreign Affairs, and the National Institute for Defense Studies. As of December 2010, JACAR offers over 20 million digital images to the public. In addition, the JACAR website provides homepage access in English, Chinese, Korean, and Japanese as well as search features in both Japanese and English.

(c) promoting and facilitating ICT literacy, including popularizing and building trust in ICT implementation and use

Nothing in particular

(2) Information on whether open access solutions and online accessibility of public domain information were advanced and how

The NDL has been sequentially digitizing books and magazines issued in Japan, and provides on the Internet a part of the digitized materials whose copyright is expired or cleared.

4. Reaffirming the Equitable Balance Between the Interests of Rights-holders and the Public Interest

(1) Action the Government has taken in order to update the national copyright legislation and its adaptation to cyberspace

The Agency for Cultural Affairs promotes the adoption of provisions that limitations and

exceptions to copyright and related rights protection are applied as long as it does not infringe the legitimate rights of copyright holders unreasonably by updating national copyright legislation, taking account of the equitable balance between the interests of rights holders and public interest.

The amendment of the Copyright Law in 2003 (effective in January 2004) made it permissible to publicly transmit or broadcast works in school education programs, and to publicly transmit them through the Internet for the purpose of examinations.

The amendment in 2006 (effective in July 2007) enabled establishments for the promotion of the welfare of people with visual impairments, including Braille libraries, to transmit audio works, through the Internet, to people with visual impairments.

The amendment of the Copyright Law in 2009 (effective in January 2010) promoted - (1) Measures making it easier to use copyrighted materials via the internet, etc, (2) Deterring the illegal distribution of copyrighted materials.

The details of the amendment concerning (1) are as follows. (i) The amendment clarified that the actions required by search engines can be performed without the need to obtain consent from the copyright holder, under certain conditions. (ii) The amendment facilitated use when there are uncertainties concerning the rights holders. The Agency for Cultural Affairs revised the system so that it could be used even when the whereabouts of an owner of neighboring rights is not known. Further, if a deposit has been paid for an application for a compulsory license, provisional use of the material is now recognized until the result of the compulsory license application is known. (iii) The amendment enabled the digitizing of materials held in the NDL.

The details of the amendment concerning (2) are as follows. The amendment made it a violation of copyright (no penalties) to copy music or videos that have been downloaded illegally over the internet where the copier knows that the music or video is from an illegal source, even if the copy is made for personal use.

The NDL is given the authority to collect Internet resources of public institutions and to digitize materials for preservation without the permission of the copyright holder. In addition, libraries in Japan are given the right of copying and public transmission of writings for the disabled, such as persons with impaired vision, without the permission of the copyright holder.

Generally, it can safely be said that limitations and exceptions to copyright and related rights protection are applied appropriately in Japan. However, if further application should be needed in the future, we can, through copyright education and promotional activities, etc, encourage rights holders and their lawful beneficiaries to make appropriate usage of cyber space in order to ensure that such limitations and exceptions are applied.

(2) Actions planned to give consideration to the development of technological

innovations and to their potential impact on access to information

The NDL digitizes books and magazines issued in Japan, and provides on the Internet a part of the digitized materials whose copyright is expired or cleared. Other parts of the digitized materials are provided in the NDL buildings. We also provide as much digital information as possible.

In addition, the NDL provides a digital archive portal which serves as a one-stop retrieval service for not only digital contents and holding information of the NDL but also useful digital archives in Japan. We are currently developing a new portal system.

5. Final comments

Nothing in particular