

Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs

(Act No. 84 of June 25, 2014)

Table of Contents

- Chapter I General Provisions (Articles 1 and 2)
- Chapter II Protection of Names of Specified Agricultural, Forestry, and Fishery Products and Foodstuffs (Articles 3 through 5)
- Chapter III Registration (Articles 6 through 22)
- Chapter IV Special Provisions for Specific Agricultural, Forestry and Fishery Products and Foodstuffs of Foreign Countries (Articles 23 to 32)
- Chapter V Miscellaneous Provisions (Articles 33 through 38)
- Chapter VI Penal Provisions (Articles 39 through 43)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to aim to secure the profits of producers of specific agricultural, forestry and fishery products and foodstuffs by establishing a system for protection of names of specific agricultural, forestry and fishery products and foodstuffs based on Annex 1C (Agreement on Trade-Related Aspects of Intellectual Property Rights) of the Marrakesh Agreement Establishing the World Trade Organization, and thereby contribute to the development of agricultural, forestry and fishery industries and relevant industries as well as to protect the interests of consumers.

(Definitions)

Article 2 (1) The term "agricultural, forestry and fishery products and foodstuffs" as used in this Act means those set forth below; provided, however, that those falling under liquors prescribed in Article 2, paragraph (1) of the Liquor Tax Act (Act No. 6 of 1953), and medicines prescribed in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (Act No. 145 of 1960), quasi-pharmaceutical products prescribed in paragraph (2) of that Article, cosmetics prescribed in paragraph (3) of that Article, and regenerative medical products prescribed in paragraph (9) of that Article are excluded:

- (i) agricultural, forestry and fishery products (limited to those intended for

- human consumption);
- (ii) foods and drinks (excluding those set forth in the preceding item);
 - (iii) agricultural, forestry and fishery products (excluding those set forth in item (i)) as provided by Cabinet Order; and
 - (iv) products manufactured or processed using agricultural, forestry and fishery products as raw materials or ingredients (excluding those set forth in item (ii)) as provided by Cabinet Order.
- (2) The term "specific agricultural, forestry and fishery products and foodstuffs" (hereinafter referred to as "SAFFPF") as used in this Act means any agricultural, forestry and fishery products and foodstuffs falling under the following items:
- (i) products produced in a specific place, region or country; and
 - (ii) products for which quality, reputation or other established characteristic (hereinafter simply referred to as "characteristic") is essentially attributable to the place of production specified in the preceding item.
- (3) The term "geographical indication" as used in this Act means the indication of the name of a SAFFPF (limited to what can identify the matters set forth in the respective items of the preceding paragraph by the name).
- (4) The term "production" as used in this Act means the series of acts conducted until the shipment of agricultural, forestry and fishery products and foodstuffs to impart a characteristic to or preserve the characteristic of agricultural, forestry and fishery products and foodstuffs, and the term "place of production" as used in this Act means the place, region or country where agricultural, forestry and fishery products and foodstuffs have been produced, and the term "producer" as used in this Act means a person that undertakes production as its business.
- (5) The term "group of producers" as used in this Act means a group comprised of producers as direct or indirect members (hereinafter simply referred to as "members") as provided by Order of the Ministry of Agriculture, Forestry and Fisheries (for an organization without legal personality, limited to those which provide for a representative or administrator and those which provide to the effect that the group may not deny enrollment to any person eligible to become a member nor impose any conditions on enrollment more stringent than those imposed on existing members without a just cause, based on laws or regulations or articles of incorporation or other basic contract provisions).
- (6) The term "production process management" as used in this Act means the following operations undertaken by a group of producers:
- (i) preparation or change of specifications containing the information set forth in Article 7, paragraph (1), items (ii) through (viii) (hereinafter simply referred to as "specifications") with regard to agricultural, forestry and fishery products and foodstuffs;

- (ii) regarding agricultural, forestry and fishery products and foodstuffs specified in the specifications, guidance, examination and other operations that are necessary to put the production of the producer as a member of the group of producers in conformity with the specifications; and
- (iii) undertaking operations incidental to the operations set forth in the preceding two items.

Chapter II Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs

(Geographical Indication)

Article 3 (1) A person who transfers, delivers, displays for the purpose of transfer or delivery, exports, or imports SAFFPF related to the registration set forth in Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article) may use a geographical indication on the SAFFPF or its package, container, advertisement, price list or transaction document (including information on these provided through electro or magnetic means (which means electronic means, magnetic means, or any other means that cannot be perceived by the human perceptions)) (hereinafter referred to as "package, etc.").

(2) Except in cases under the preceding paragraph, no person may use a geographical indication pertaining to a SAFFPF, or, an indication similar to it or indication which is likely to mislead the public as to that geographical indication (hereinafter referred to as "similar indication, etc." under this paragraph and Article 5, item (i)) on agricultural, forestry and fishery products and foodstuffs belonging to the classification to which the SAFFPF pertaining to the registration is affiliated (meaning a classification of agricultural, forestry and fishery products and foodstuffs defined by the Minister of Agriculture, Forestry and Fisheries considering the established international classifications and other circumstances concerning agricultural, forestry and fishery products and foodstuffs; the same applies hereafter), or agricultural, forestry and fishery products and foodstuffs manufactured or processed using those products as a main raw material or ingredient, or on its package, etc.; provided, however, that this does not apply in the following cases:

- (i) when a person uses a geographical indication or similar indication, etc. pertaining to the SAFFPF on agricultural, forestry and fishery products and foodstuffs manufactured or processed using the SAFFPF pertaining to the registration as a main raw material or ingredient, or on its package, etc.;
- (ii) when the holder of a right to a registered trademark (meaning the registered trademark prescribed in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereafter) under an application

for registration (excluding those performed to use (which means the use as provided by Article 2, paragraph (3) of that Act; same applies to this item hereinafter and the following item) the trademark subject to the application for the purpose of obtaining wrongful gain, causing damages on others, or any other wrongful purposes) filed before the date of registration as provided in Article 6 (when the information set forth in Article 7, paragraph (1), item (iii) pertaining to the registration is changed and registered as provided for in Article 16, paragraph (1), the day of registration of that change; the same applies in the following item and item (iv)) or any other person that has the right to use the registered trademark pursuant to the Articles of that Act uses the relevant registered trademark for designated goods or designated services (meaning the goods or services designated pursuant to the provisions of Article 6, paragraph (1) of that Act) under the registration of trademark;

- (iii) when a person that has the right to use a trademark pursuant to the provisions of the Trademark Act or any other law from before the date of registration uses the trademark under the right for goods or services under that right (excluding a case set forth in the preceding item);
- (iv) when, from before the date of registration, without the purpose of obtaining a wrongful gain, causing damages to others, or any other wrongful purpose, a person that has used an indication with the identical name as the geographical indication pertaining to the SAFFPF or a similar indication, etc. on agricultural, forestry and fishery products and foodstuffs belonging to the classification to which the SAFFPF pertaining to the registration is affiliated to or on their package, etc., or a person that has succeeded to the business continues to use the indication on the agricultural, forestry and fishery products and foodstuffs or their package, etc.; or, when a person that has directly or indirectly acquired or have been delivered the agricultural, forestry and fishery products and foodstuffs (limited to those for which the indication is affixed to the product, or its package, container or invoice) from that person uses the indication on those agricultural, forestry and fishery products and foodstuffs or their package, etc. (after seven years starting from the date of registration of the SAFFPF, this is limited to cases where the entirety of the place of production of the agricultural, forestry, and fisheries product and foodstuffs is within the place of production of the relevant SAFFPF, and an appropriate indication is provided to the agricultural, forestry, and fisheries product and foodstuffs in order to prevent confusion with the SAFFPF); or
- (v) beyond what is set forth in the preceding items, when it is provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Registered Mark)

Article 4 (1) A person who uses a geographical indication for the SAFFPF or its package, etc., subject to registration may use the registered mark (meaning a mark stating that the geographical indication refers to the name of the SAFFPF pertaining to the registration and provided by Order of the Ministry of Agriculture, Forestry and Fisheries; the same applies to the following paragraph and Article 5, item (ii)).

(2) Except for the cases under the preceding paragraph, no person may use a registered mark or a mark similar to this for an agricultural, forestry, and fisheries product and foodstuffs or its package, etc.

(Order for Measures)

Article 5 The Minister of Agriculture, Forestry and Fisheries may order a person that violates the provisions set forth in the following items to take measures provided in the respective items and other necessary measures:

(i) Article 3, paragraph (2): remove or erase the geographical indication or similar indication, etc.; or

(ii) paragraph (2) of the preceding Article: remove or erase the registered mark or a mark similar thereto.

Chapter III Registration

(Registration of SAFFPF)

Article 6 If the agricultural, forestry and fishery products and foodstuffs for which a group of producers that undertakes production process management has created specifications is a SAFFPF, the group may receive registration of the relevant agricultural, forestry and fishery products and foodstuffs by the Minister of Agriculture, Forestry and Fisheries.

(Application for Registration)

Article 7 (1) A group of producers that intends to receive a registration prescribed in the preceding Article (excluding Article 15, Article 16, Article 16-2, paragraph (1) proviso, Article 17, paragraphs (2) and (3), and Article 22, paragraph (1), item (i), (d); hereinafter simply referred to as a "registration") must submit a written application specifying the following information to the Minister of Agriculture, Forestry and Fisheries, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries:

(i) name and address of the group of producers, and the name of its representative (if it is a group of producers without legal personality, its representative or administrator);

(ii) the classification of the agricultural, forestry and fishery products and

- foodstuffs;
- (iii) the name of the agricultural, forestry and fishery products and foodstuffs;
 - (iv) the place of production of the agricultural, forestry and fishery products and foodstuffs;
 - (v) the characteristics of the agricultural, forestry and fishery products and foodstuffs;
 - (vi) the method of production of the agricultural, forestry and fishery products and foodstuffs;
 - (vii) beyond what is set forth from item (ii) to the preceding item, other necessary matters to identify the agricultural, forestry and fishery products and foodstuffs;
 - (viii) beyond what is set forth from item (ii) to the preceding item, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the agricultural, forestry and fishery products and foodstuffs; and
 - (ix) beyond what is set forth in the preceding items, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The following documents must be attached to the written application of the preceding paragraph:
- (i) the specifications;
 - (ii) the rules regarding the method of production process management (hereinafter referred to as the "production process management rules"); and
 - (iii) beyond what is set forth in the preceding two items, documents provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) A group of producers that undertakes production process management may apply for registration jointly with others.
- (4) When an application for registration is filed, the Minister of Agriculture, Forestry and Fisheries must, without delay, publicly notify the information set forth in paragraph (1), items (i) through (iii) and other information specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Correction of Application for Registration)

- Article 7-2 (1) If the Minister of Agriculture, Forestry and Fisheries finds that there is an insufficiency in form in the written application specified by the preceding Article, paragraph (1) or the documents set forth in the items of the same Article, paragraph (2), or finds that important information among the information that should be provided in the relevant written application or documents is provided insufficiently, the Minister may order a correction of the application for registration, specifying a reasonable period of time.
- (2) When the person who has been ordered to correct the application for registration pursuant to the preceding paragraph fails to make that correction within the specified period of time pursuant to the same paragraph, the

Minister of Agriculture, Forestry and Fisheries may dismiss that application for registration.

(Public Notice of Application for Registration)

Article 8 (1) When the Minister of Agriculture, Forestry and Fisheries accepts an application for registration (if the Minister had ordered a correction of the application pursuant to the preceding Article, paragraph (1), then when that correction is made), the Minister must, without delay, publicly notify the information set forth in Article 7, paragraph (1), items (i) to (viii) and any other necessary information.

(2) The Minister of Agriculture, Forestry and Fisheries must make the written application referred to in Article 7, paragraph (1) and the documents set forth in paragraph (2), items (i) and (ii) of the same Article available for public inspection for three months from the date of the public notice under the preceding paragraph, as well as publicly announce them by use of the Internet and by other means specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Submission of Written Opinion)

Article 9 (1) When there is a public notice under paragraph (1) of the preceding Article, any person may submit a written opinion about the application for registration pertaining to that public notice to the Minister of Agriculture, Forestry and Fisheries within three months from the date of the relevant public notice.

(2) When the Minister of Agriculture, Forestry and Fisheries has received a written opinion under the preceding paragraph, the Minister must send a copy of that written opinion to the group of producers that has made the application for registration.

(Restrictions on Application for Registration)

Article 10 (1) For the purpose of applying the provisions of paragraph (2) of the preceding Article and paragraphs (2) and (3) of the following Article, an application for registration falling under both of the following items is deemed to be a submission of a written opinion pursuant to the provisions of paragraph (1) of the preceding Article with regard to the application for registration pertaining to the public notice under Article 8, paragraph (1). In this case, the Minister of Agriculture, Forestry and Fisheries must notify it to the group of producers that has made the application for registration falling under all of the respective items:

(i) the application for registration is made before the period prescribed in paragraph (1) of the preceding Article expires after the application for

- registration under Article 8, paragraph (1) is received (if the Minister of Agriculture, Forestry and Fisheries had ordered a correction of the application pursuant to Article 7-2, paragraph (1), then after that correction is made); and
- (ii) all or part of the agricultural, forestry and fishery products and foodstuffs pertaining to the application for registration fall under all or part of the SAFFPF pertaining to the public notice under Article 8, paragraph (1).
- (2) An application for registration falling under paragraph (2) of the preceding Article cannot be made after the passage of a period of time prescribed in paragraph (1) of the preceding Article; provided, however, that this does not apply after an application for registration pertaining to a public notice under Article 8, paragraph (1) has been withdrawn, refused pursuant to the provisions of Article 13, paragraph (1) or carried out.

(Hearing of Opinions of Persons with Relevant Expertise)

- Article 11 (1) When the period prescribed in Article 9, paragraph (1) has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with persons having relevant knowledge and experience (hereinafter referred to as "persons with relevant expertise") as to whether the applications for registration fall under the cases set forth in Article 13, paragraph (1), items (ii) to (iv).
- (2) In the case of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 9, paragraph (1) to persons with relevant expertise.
 - (3) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1), if they find it to be necessary, may hear opinions of the group of producers that made the application for registration or the person that submitted the written opinion pursuant to Article 9, paragraph (1), or other relevant persons.
 - (4) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1) may not disclose or misappropriate secrets that they have learned in the course of being asked for their opinions.

(Implementation of Registration)

- Article 12 (1) When the Minister of Agriculture, Forestry and Fisheries has accepted an application for registration and finished the procedures under the provisions of Article 7-2 through to the preceding Article, the Minister must register the application, except when registration is refused pursuant to the provisions of paragraph (1) of the following Article.
- (2) The registration is to be made by specifying the following information in the

register of SAFFPF:

- (i) the number and date of registration;
 - (ii) the information set forth in Article 7, paragraph (1), items (ii) through (viii); and
 - (iii) the information set forth in Article 7, paragraph (1), item (i).
- (3) When the Minister of Agriculture, Forestry and Fisheries, has made the registration, the Minister must publicly notify it to the group of producers that made the application for registration and also publicly notify matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Refusal of Registration)

Article 13 (1) The Minister of Agriculture, Forestry and Fisheries must refuse a registration in the following cases:

- (i) when the group of producers falls under any of the following:
 - (a) the group of producers has had its registration cancelled pursuant to the provisions of Article 22, paragraph (1), and two years have not yet elapsed from the date of the cancellation; or
 - (b) an officer of the group (including a representative or a manager of a group of producers without legal personality; same applies to 2.) falls under any of the following:
 - 1. a person that was sentenced pursuant to any provisions of this Act, and a period of two years has not yet elapsed from the date on which the person served out the sentence or was exempted from the execution of the sentence; or
 - 2. in the case of a group of producers whose registration was cancelled pursuant to the provisions of Article 22, paragraph (1), a person that was an officer of the group of producers within 30 days before the cancellation, without exceeding two years after the cancellation;
- (ii) when the production process management falls under any of the following:
 - (a) the information set forth in Article 7, paragraph (1), items (ii) through (viii) specified in the description attached to the application form referred to in the same Article, paragraph (1), pursuant to Article 7, paragraph (2), is not in conformity with the information provided in the application form;
 - (b) the method of production process management provided by the production process management rules does not conform to the standards provided by Order of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the production undertaken by a producer as a member of the group of producers conforms to the specifications;
 - (c) the group of producers do not have sufficient financial basis to implement accurate and smooth production process management; or
 - (d) a system necessary to ensure fair implementation of production process

- management is found not to be established;
- (iii) when the agricultural, forestry and fishery products and foodstuffs pertaining to application for registration (referred to as "agricultural, forestry and fishery products and foodstuffs applied for registration" in the following item) fall under any of the following:
 - (a) the product is not SAFFPF; or
 - (b) all or a part of the product falls under SAFFPF pertaining to the registration;
 - (iv) when the name of the agricultural, forestry and fishery products and foodstuffs applied for registration falls under any of the following:
 - (a) the name is a generic term or when the information set forth in the items of Article 2, paragraph (2) regarding the agricultural, forestry and fishery products and foodstuffs applied for registration cannot be specified by the name; or
 - (b) the name is identical with or similar to the following registered trademarks:
 1. a registered trademark pertaining to agricultural, forestry and fishery products and foodstuffs applied for registration or a product similar thereto; or
 2. a registered trademark pertaining to a service related to agricultural, forestry and fishery products and foodstuffs applied for registration or a product similar thereto.
- (2) The provisions in the preceding paragraph (limited to the part pertaining to item (iv), (b)) do not apply if a group of producers falling under any of the following items files an application for registration regarding agricultural, forestry and fishery products and foodstuffs whose names are provided in item (iv), (b) of that paragraph:
- (i) a group of producers that is a holder of a trademark pertaining to the registered trademark prescribed in item (iv), (b) of the preceding paragraph (when an exclusive right to use has been established for the trademark right pertaining to the registered trademark, this is limited to cases where approval of the exclusive licensee of the relevant exclusive right to use has been obtained with regard to the registration of agricultural, forestry and fishery products and foodstuffs whose names are provided in (b) of the relevant item);
 - (ii) a group of producers that is an exclusive licensee of an exclusive right to use established as an exclusive right to use for the trademark right pertaining to the registered trademark prescribed in item (iv), (b) of the preceding paragraph (limited to cases where approval of the following persons has been obtained with regard to the registration of agricultural, forestry and fishery products and foodstuffs whose names are provided in (b)

of that item):

- (a) the holder of a trademark pertaining to the registered trademark; and
 - (b) exclusive licensee of the relevant exclusive right to use other than that group of producers;
- (iii) a group of producers that has obtained approval of the holder of a trademark pertaining to the registered trademark provided in (b) of the relevant item with regard to registration of agricultural, forestry and fishery products and foodstuffs whose names are provided in item (iv), (b) of the preceding paragraph (if an exclusive right to use is established for the trademark right pertaining to the registered trademark, limited to cases where approval of the exclusive licensee of the relevant exclusive right to use has been obtained with regard to the registration of the agricultural, forestry and fishery products and foodstuffs).
- (3) When the Minister of Agriculture, Forestry and Fisheries has refused registration pursuant to the provisions of paragraph (1), the Minister must give notice in writing to the effect and the reason to the group of producers that filed the application for registration.

(Public Inspection of the Register of SAFFPF)

Article 14 The Minister of Agriculture, Forestry and Fisheries must make the register of SAFFPF available to the public.

(Registration of Change to Add Group of Producers)

- Article 15 (1) A group of producers intending to undertake production process management for SAFFPF pertaining to a registration under Article 6 (excluding the group of producers that received the registration) may register a change to add the information set forth in Article 7, paragraph (1), item (i) pertaining to that group of producers to the matters set forth in Article 12, paragraph (2), item (iii).
- (2) The provisions in Article 7, paragraphs (1) through (3), Articles 7-2 through Article 9 and Articles 11 to 13 apply mutatis mutandis to a registration of change prescribed in the preceding paragraph. In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "the information set forth in item (i), the registration number, and the information set forth in Article 9", the term "the information set forth in Article 7, paragraph (1), items (i) through (viii) " in Article 8, paragraph (1) is deemed to be replaced with "the information set forth in Article 7, paragraph (1), item (i), the registration number", the term "Article 13, paragraph (1), items (ii) through (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 13, paragraph (1), items (ii) and (iv) (excluding (a))", the term "through to the preceding Article" in Article 12, paragraph (1) is deemed to be

replaced with " through to Article 9 and the preceding Article", the term "following information" in paragraph (2) of that Article is deemed to be replaced with "information set forth in the date of change and item (iii)", the term "in the following cases" in Article 13, paragraph (1) is deemed to be replaced with "in the cases set forth in items (i), (ii) and (iv) (excluding (a))", and the term "the information provided in the application form" in item (ii), (a) of that paragraph is deemed to be replaced with "the information provided in the application form as set forth in paragraph (2), item (ii) of the preceding Article pertaining to registration number".

(Registration of Changes to the Registered Information Pertaining to the SAFFPF)

Article 16 (1) When a group of producers that received a registration referred to in Article 6 (including a group of producers that received a registration of change referred to in the preceding Article, paragraph (1); hereinafter referred to as "registered group of producers") intends to change information set forth in Article 12, paragraph (2), item (ii), the group of producers must receive a registration of change.

(2) In the case of the preceding paragraph, if there are two or more registered groups of producers pertaining to a registration in Article 6, all registered groups of producers pertaining to the registration must jointly apply for registration of change in that paragraph.

(3) The provisions of Article 7, paragraphs (1), (2), and (4), Articles 7-2 through 9, and Articles 11 through 13 (if the information pertaining to registration of change as prescribed in paragraph (1) is what is specified as minor by Order of the Ministry of Agriculture, Forestry and Fisheries, excluding the provisions of Article 7, paragraph (4), Article 8, Article 9, and Article 11) apply mutatis mutandis to the registration of change referred to in paragraph (1). In this case, the description "the following information" in Article 7, paragraph (1) is deemed to be replaced with "of the information set forth in Article 12, paragraph (2), items (i) and (iii) and among the information set forth in the same paragraph, item (ii), those concerned with the change"; the description "When an application for registration is filed" in the same Article, paragraph (4) is deemed to be replaced with "When an application for registration has been filed and a change occurred to the information set forth in Article 12, paragraph (2), item (ii) (limited to the part concerning Article 7, paragraph (1), item (iii))"; the description "the information set forth in paragraph (1), items (i) through (iii)" in the same Article, same paragraph is deemed to be replaced with "the information set forth in Article 12, paragraph (2), items (i) and (iii), the information that is concerned with the change"; the description "the information set forth in paragraph (1), items (i) through (viii) of Article 7" in

Article 8, paragraph (1) is deemed to be replaced with " the information set forth in Article 12, paragraph (2), items (i) and (iii), the information set forth in the same paragraph, item (ii) that is concerned with the change"; the description " Article 7-2 through to the preceding article " in Article 12, paragraph (1) is deemed to be replaced with "Articles 7-2 through 9 and the preceding Article " in cases other than the case where the information pertaining to the registration of change as prescribed in paragraph (1) are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or replaced with "Article 7-2" if the matters pertaining to the registration of change as prescribed in that paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor; the description "the following information" in paragraph (2) of that Article is deemed to be replaced with "the information pertaining to the date of change and the change"; and the description "the information" in Article 13, paragraph (1), item(ii), (a) is deemed to be replaced with "among the information, those pertaining to change".

(Approval of Change to Specifications)

- Article 16-2 (1) If a registered group of producers intends to change specifications, it must receive approval by the Minister of Agriculture, Forestry and Fisheries: provided, however, that this does not apply when making changes to specifications in combination with a registration of change referred to in the preceding Article, paragraph (1).
- (2) A registered group of producers that intends to receive the approval referred to in the preceding paragraph (referred to as "applying registered group of producers" in the following paragraph and paragraph (4)), pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, must submit the written application including the information that is concerned with the change in the description of the specifications to the Minister of Agriculture, Forestry and Fisheries by attaching its production process management rules .
- (3) When the written application for the approval of change in specifications falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries must approve the change in the specifications:
- (i) the information provided in the description of written application referred to in the preceding paragraph is in conformity with the information set forth in Article 12, paragraph (2), item (ii) related to the applying registered group of producers;
 - (ii) the method of production process management specified by the production process management rules is in conformity with the standards provided by Order of the Ministry of Agriculture, Forestry and Fisheries as something

necessary to ensure that the production by the producer, as member of the applying registered group of producers, is performed in conformity with the information included in the written application referred to in the preceding paragraph.

- (4) When the Minister of Agriculture, Forestry and Fisheries makes an approval under the preceding paragraph, the Minister must notify the applying registered group of producers of that fact and publicly notify the information specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Notification of Change in the Registered Group of Producers)

Article 17 (1) Whenever a registered group of producers makes changes to any of the information set forth in Article 12, paragraph (2), item (iii) pertaining to the registered group of producers, the group must notify the same and the date to the Minister of Agriculture, Forestry and Fisheries without delay.

- (2) When the Minister of Agriculture, Forestry and Fisheries has received a notification under the preceding paragraph, the Minister must register the change by specifying the information pertaining to the notification in the register of SAFFPF.
- (3) When the Minister of Agriculture, Forestry and Fisheries has registered the change prescribed in the preceding paragraph, the Minister must publicly notify the same.

(Notification of Change to Production Process Management Rules)

Article 18 A registered group of producers that intends to make changes to its production process management rules must notify the Minister of Agriculture, Forestry and Fisheries in advance.

(Notification of Suspension of Production Process Management)

Article 19 A registered group of producers that intends to suspend its production process management must notify in advance the Minister of Agriculture, Forestry and Fisheries.

(Invalidation of Registration)

Article 20 (1) A registration (when there are two or more registered groups of producers pertaining to the registration, this is limited to the part pertaining to a registered group of producers falling under any of the respective items among the information set forth in Article 12, paragraph (2), item (iii); hereinafter the same applies in this Article) will be invalidated if the registration falls under any of the following items:

- (i) if the registered group of producers has been dissolved and the liquidation has been completed; or

- (ii) if the registered group of producers has discontinued its production process management.
- (2) When a registration has been invalidated pursuant to the provisions of the preceding paragraph, the registered group of producers pertaining to the registration (in the case set forth in item (i) of that paragraph, a liquidator) must notify the Minister of Agriculture, Forestry and Fisheries of the reason and the date of its invalidation without delay.
- (3) When a registration has been invalidated pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must delete the registration from the register of SAFFPF.
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted a registration pursuant to the provisions of the preceding paragraph, the Minister must publicly notify the same.

(Order for Measures)

Article 21 The Minister of Agriculture, Forestry and Fisheries, in the following cases, may order a registered group of producers to change the specifications or the production process management rules, and to take any necessary measure:

- (i) if a producer member of the group violates the provisions of Article 3, paragraph (2) or Article 4, paragraph (2) or an order under Article 5;
- (ii) if the specifications do not conform to the information set forth in Article 12, paragraph (2), item (ii); or
- (iii) when it falls under Article 13, paragraph (1), item (ii) (excluding (a)).

(Cancellation of Registration)

Article 22 (1) The Minister of Agriculture, Forestry and Fisheries, in the following cases, may cancel all or part of a registration:

- (i) if a registered group of producers falls under any of the following:
 - (a) the group no longer constitutes a group of producers;
 - (b) the group has fallen under Article 13, paragraph (1), item (i), (b) (limited to the part pertaining to 1.);
 - (c) the group violates an order under the preceding Article; or
 - (d) the group has received a registration prescribed in Article 6 or a registration of change prescribed in Article 15, paragraph (1) or Article 16, paragraph (1), or an approval referred to in Article 16-2, paragraph (1), by wrongful means;
- (ii) if the SAFFPF pertaining to a registration falls under Article 13, paragraph (1), item (iii), (a);
- (iii) if the name of the SAFFPF pertaining to a registration falls under Article 13, paragraph (1), item (iv), (a); or
- (iv) if a holder of a trademark or an exclusive licensee provided in the

respective items of Article 13, paragraph (2) has withdrawn the consent provided in the respective items of that paragraph.

- (2) The provisions of Articles 8, 9, and 11 apply mutatis mutandis to the cancellation of registration under the preceding paragraph (limited to the part pertaining to items (ii) and (iii)). In this case, the description "without delay, publicly notify the information set forth in Article 7, paragraph (1), items (i) through (viii)" in Article 8, paragraph (1) is deemed to be replaced with "publicly notify the registration number and the reason for cancellation in advance," the description "the written application referred to in Article 7, paragraph (1) and the documents set forth in paragraph (2), items (i)" in the same Article, paragraph (2) is deemed to be replaced with "the documents set forth in Article 7, paragraph (2), items (i)," and the description "Article 13, paragraph (1), items (ii) through (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 22, paragraph (1), items (ii) and (iii)."
- (3) When the Minister of Agriculture, Forestry and Fisheries has cancelled all or part of a registration under paragraph (1), the Minister must delete all or part of the registration from the register of SAFFPF.
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted all or part of a registration pursuant to the provisions of the preceding paragraph, the Minister must give notice of the same to the registered group of producers pertaining to the cancellation of the registration, and publicly notify it.

Chapter IV Special Provisions for Specific Agricultural, Forestry and Fishery Products and Foodstuffs of Foreign Countries

(Designation of SAFFPF of Foreign Countries)

Article 23 (1) In order for Japan to protect the name of a SAFFPF mutually with a foreign state (meaning a state or region outside the territory of Japan; hereinafter the same applies in this paragraph) that has an equivalent system for protection of names of SAFFPF in accordance with this Act (hereinafter referred to as "equivalent system") and that falls under all of the below noted items (hereinafter referred to as "contracting state"), the Minister of Agriculture, Forestry and Fisheries may designate the SAFFPF of the contracting state whose names are protected under the equivalent system of that contracting state:

- (i) having concluded an international agreement with Japan that includes the matters listed below:
 - (a) the names of SAFFPF of Japan should be protected by the foreign state under the equivalent system; and
 - (b) the names of SAFFPF of the foreign state should be protected by Japan under this Act;

- (ii) with regard to the names of SAFFPF of Japan that should be protected under the international agreement specified in the preceding item, the competent authority of the foreign state is to take necessary measures when the Japanese government or a registered group of producers pertaining to the SAFFPF asks for appropriate protection of the relevant name.
- (2) The designation in the preceding paragraph (hereinafter simply referred to as "designation") is to be made by providing for the following matters:
 - (i) the classification of the SAFFPF;
 - (ii) the name of the SAFFPF;
 - (iii) the place of production of the SAFFPF;
 - (iv) the characteristic of the SAFFPF;
 - (v) beyond what is set forth in the preceding items, the method of production of the SAFFPF and other necessary matters to identify the SAFFPF; and
 - (vi) beyond what is set forth in the preceding items, matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the SAFFPF.

(Public Notice before Designation)

Article 24 When the Minister of Agriculture, Forestry and Fisheries intends to provide a designation, the Minister must publicly notify, in advance, the information set forth in the items under the preceding Article, paragraph (2) and other necessary matters.

(Submission of Written Opinion)

Article 25 When a public notice is made under the preceding Article, any person may submit a written opinion about the designation of the SAFFPF pertaining to the public notice to the Minister of Agriculture, Forestry and Fisheries within three months from the day of that public notice.

(Restrictions on Application for Registration When There Is a Public Notice for Designation)

Article 26 (1) For the purpose of applying the provisions of paragraphs (3) and (4) of the following Article, an application for registration falling under all of the following items is deemed to be a submission of a written opinion pursuant to the preceding Article with regard to the designation of the SAFFPF concerned with the public notice under Article 24 (hereinafter referred to as "candidate SAFFPF for designation"). In this case, the Minister of Agriculture, Forestry and Fisheries must notify it to the group of producers that has applied for the registration that falls under all of those items:

- (i) the application for registration is made before the period under the preceding Article expires after the public notice under Article 24 is made;

- (ii) all or a part of the agricultural, forestry and fishery products and foodstuffs pertaining to the application for registration must fall under all or part of the candidate SAFFPF for designation .
- (2) An application for registration falling under item (ii) of the preceding paragraph cannot be made after the period under the preceding Article expires; provided, however, that this does not apply after a candidate SAFFPF for designation has not been designated or has been designated pursuant to the provisions of Article 29, paragraph (1).

(Hearing of Opinions of Persons with Relevant Expertise)

Article 27 (1) When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with persons with relevant expertise as to whether the candidate SAFFPF for designation falls under a case set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate SAFFPF for designation falls under a case set forth in item (ii), (a) and (b) of the same paragraph.

- (2) When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries may consult with persons with relevant expertise as to whether the name of the candidate SAFFPF for designation falls under a case set forth in Article 29, paragraph (1), item (ii), (c).
- (3) In the case of the preceding two paragraphs, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 25 to persons with relevant expertise.
- (4) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1) or (2), may hear opinions of the person that submitted a written opinion pursuant to Article 25 and other relevant persons if they find it to be necessary.
- (5) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1) or (2) may not disclose or misappropriate secrets that they have learned in the course of being asked for their opinions.

(Implementation of Designation)

Article 28 (1) When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24 through the preceding Article, the Minister except when the designation will not be provided pursuant to the provisions in paragraph (1) of the following Article, must make a designation.

- (2) When the Minister of Agriculture, Forestry and Fisheries has made a designation, the Minister must publicly notify the following matters promptly:

- (i) the number and date of designation;
- (ii) the name of the contracting state for the designation; and
- (iii) the information set forth in the respective items of Article 23, paragraph (2).

(Criteria of Designation)

Article 29 (1) The Minister of Agriculture, Forestry and Fisheries must not make a designation in the following cases:

- (i) when all or a part of the candidate SAFFPF for designation fall under a registered or designated SAFFPF;
- (ii) when the name of the candidate SAFFPF for designation falls under any of the following:
 - (a) when the name is a generic term; or
 - (b) when the name is identical with or similar to the following registered trademarks:
 1. a registered trademark pertaining to the candidate SAFFPF for designation or a product similar thereto; or
 2. a registered trademark pertaining to services related to a candidate SAFFPF for designation or to a product similar thereto;
 - (c) when the name becomes no longer protected under the equivalent system of the contracting state, or when it falls under a case provided by Order of the Ministry of Agriculture, Forestry and Fisheries which prescribes that the name should not be protected.

(2) The provisions in the preceding paragraph (limited to the part pertaining to item (ii), (b)) do not apply if the Minister of Agriculture, Forestry and Fisheries has obtained consent of the holder of the trademark pertaining to the registered trademark provided in (b) of that item with regard to a designation of a SAFFPF whose names are provided in (b) of the same item (if an exclusive use right is established for the trademark right pertaining to the registered trademark, a consent regarding the designation to the SAFFPF must be made by the licensee of the relevant exclusive use right).

(Geographical Indication of SAFFPF Pertaining to Designation)

Article 30 A SAFFPF concerned with a designation is deemed to be a SAFFPF pertaining to the registration for the application of the provisions of Article 3 and Article 13, paragraph (1), item (iii), (b). In this case, the description "registration set forth in Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article, paragraph (1))" in Article 3, paragraph (1) is deemed to be replaced with "designation set forth in Article 23, paragraph (1) (simply referred to as "designation" in the following paragraph)"; the description "date of registration

as provided in Article 6 (when the information set forth in Article 7, paragraph (1), item (iii) in pertaining to the registration)" in the same Article, paragraph (2), item (ii) is deemed to be replaced with "date of designation (when the information set forth in Article 23, paragraph (2), item (ii) in pertaining to the designation)"; the description "as provided for in Article 16, paragraph (1)" in the same Article, same paragraph is deemed to be replaced with "under Article 31, paragraph (1)"; the description "the registration is changed" in the same Article, same paragraph is deemed to be replaced with "the designation is changed"; the description "registration of that change" in the same Article, same paragraph is deemed to be replaced with "change in designation"; the description "date of registration" in the same paragraph, item (iii) is deemed to be replaced with "date of designation"; the description "date of registration" in the same paragraph, item (iv) is deemed to be replaced with "date of designation"; and the description "after seven years starting from the date of registration of the SAFFPF, this is limited to if the entirety of the place of production of the agricultural, forestry, and fisheries product and foodstuffs is within the place of production of the relevant SAFFPF, and an appropriate indication is provided to the agricultural, forestry, and fisheries product and foodstuffs in order to prevent confusion with the SAFFPF" in the same paragraph, same item is deemed to be replaced with "limited to cases not exceeding seven years after the date of designation of the SAFFPF and the production of the agricultural, forestry, and fisheries product and foodstuffs occurring outside of the contracting state (as defined in Article 23, paragraph (1))."

(Change of Designation)

- Article 31 (1) If any of the information set forth in the items of Article 23, paragraph (2) is changed in the equivalent system of the contracting state, the Minister of Agriculture, Forestry and Fisheries must change the designation of the applicable SAFFPF.
- (2) The provisions of Articles 24, 25, and 27 through 29 (excluding Articles 24, 25, and 27 if the information concerned with the change of designation under the preceding paragraph are specified as being minor by Order of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "minor cases" in this paragraph)), apply mutatis mutandis to the change of designation under the preceding paragraph. In this case, the description "the information set forth in the items under the preceding Article, paragraph (2)" in Article 24 is deemed to be replaced with "the designation number and information set forth in the items under the preceding Article, paragraph (2) that is related to the change"; the description "the candidate SAFFPF for designation" in Article 27, paragraph (1) is deemed to be replaced with "the SAFFPF concerned with the

public notice under Article 24"; the description "the name of the candidate SAFFPF for designation" in the same Article, same paragraph is deemed to be replaced with "the name of the SAFFPF"; the description "the candidate SAFFPF for designation" in the same Article, paragraph (2) is deemed to be replaced with "the SAFFPF concerned with the public notice under Article 24"; the description "When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24 to the preceding Article, the Minister" in Article 28, paragraph (1) is deemed to be replaced with "When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24, 25, and the preceding Article, the Minister " for non-minor cases and "The Minister of Agriculture, Forestry and Fisheries" for minor cases; the description "the following information" in the same Article, paragraph (2) is deemed to be replaced with "the designation number, the date of the change, the matters pertaining to the change, and other information specified by Order of the Ministry of Agriculture, Forestry, and Fisheries"; the description "the candidate SAFFPF for designation" in Article 29, paragraph (1), item (i) is deemed to be replaced with "the SAFFPF concerned with the public notice under Article 24" for non-minor cases and "the SAFFPF for which the change of designation is intended pursuant to the provisions of Article 31, paragraph (1) (hereinafter referred to as "the candidate SAFFPF for change of designation" in this paragraph)" for minor cases; and the description "the candidate SAFFPF for designation" in the same paragraph, item (ii) is deemed to be replaced with "the SAFFPF concerned with the public notice under Article 24" for non-minor cases and "the candidate for change of designation as SAFFPF" for minor cases.

(Cancellation of Designation)

Article 32 (1) The Minister of Agriculture, Forestry and Fisheries may, in the cases listed below, cancel all or a part of a designation:

- (i) if the name of the SAFFPF pertaining to a designation has fallen under either (a) or (c) of Article 29, paragraph (1), item (ii); or
- (ii) if a holder of trademark or an exclusive licensee as provided in Article 29, paragraph (2) has withdrawn the approval provided in the same paragraph.

(2) The provisions of Articles 24, 25, and 27 apply mutatis mutandis to the cancellation of designation under the preceding paragraph (limited to the part pertaining to item (i)). In this case, the description "the information set forth in the items under the preceding Article, paragraph (2)" in Article 24 is deemed to be replaced with "the designation number, reason for cancellation"; the description "whether the candidate SAFFPF for designation falls under a case set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate SAFFPF for designation" in Article 27, paragraph (1) is deemed to be

replaced with "the name of SAFFPF concerned with the public notice under Article 24"; the description "item (ii), (a) and (b) of the same paragraph" in the same paragraph is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (a))"; the description "candidate SAFFPF for designation" in paragraph (2) of the same Article is deemed to be replaced with "SAFFPF concerned with the public notice under Article 24"; and the description "Article 29, paragraph (1), item (ii), (c)" in the same paragraph is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (c))".

- (3) Having cancelled all or a part of the designation under paragraph (1), the Minister of Agriculture, Forestry and Fisheries must publicly notify it promptly.

Chapter V Miscellaneous Provisions

(Method of Public Notice)

Article 33 (1) A public notice under this Act is to be performed through the Internet or through other appropriate methods.

- (2) The necessary matters concerning a public notice set forth in the preceding paragraph are provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Report and On-Site Inspection)

Article 34 (1) The Minister of Agriculture, Forestry and Fisheries, to the extent necessary for the enforcement of this Act, may request a registered group of producers, producers and other persons concerned to make the necessary report on its business or have officials of the Ministry enter the offices, local offices, warehouses, farms, factories or any other place of the group, manufacturer or persons and have them inspect the situation of the business or agricultural, forestry and fishery products and foodstuffs and their ingredients, books, documents and other articles.

- (2) The personnel that conducts the on-site inspections pursuant to the provisions of the preceding paragraph must carry an identification and present it to the relevant persons.
- (3) The authority to conduct on-site inspection under paragraph (1) may not be construed as being granted for criminal investigations.

(Report to the Minister of Agriculture, Forestry and Fisheries)

Article 35 (1) Any person that considers that a fact involving violation of the provisions of Article 3, paragraph (2) or Article 4, paragraph (2) exists may

report it to the Minister of Agriculture, Forestry and Fisheries and request that the appropriate measures be taken, in accordance with the procedures as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) When a report under the preceding paragraph has been filed, the Minister of Agriculture, Forestry and Fisheries must conduct the necessary investigation, and when the Minister has found the contents of that report to be true, it must take the measures prescribed in Article 5 or 21 and other appropriate measures.

(Cooperation of Relevant Administrative Organs)

Article 36 The Minister of Agriculture, Forestry and Fisheries may request the heads of relevant administrative agencies to submit documents or information, offer their opinions and other cooperation as deemed necessary to attain the purpose of this Act.

(Delegation of Authority)

Article 37 The authority of the Minister of Agriculture, Forestry and Fisheries provided in this Act may be delegated in part to chiefs of local administrative offices pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 38 Beyond what is provided in this Act, procedures and other matters required for the implementation of this Act are specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

Chapter VI Penal Provisions

Article 39 Any person that violates an order under Article 5 (limited to the part pertaining to item (i)) is to be punished by imprisonment for not more than five years or a fine of not more than 5 million yen, or both.

Article 40 Any person that violates an order under Article 5 (limited to the part pertaining to item (ii)) is to be punished by imprisonment for not more than three years or a fine of not more than 3 million yen.

Article 41 Any person that violates an order under the provisions of Article 11, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 15, paragraph (2), Article 16, paragraph (3), and Article 22, paragraph (2)) and Article 27, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 31, paragraph (2) and Article 32, paragraph (2))

is to be punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.

Article 42 Any person that falls under any of the following items is to be punished by a fine of not more than 300,000 yen:

- (i) a person that has failed to submit a notification under Article 17, paragraph (1) or Article 20, paragraph (2), or filed a false notification; or
- (ii) a person who has failed to submit a notification under Article 18, or has submitted a false notification, before changing the production process management rules;
- (iii) A person who has failed to submit a notification under Article 19, or has submitted a false notification, before suspending production process management;
- (iv) A person who has failed to make a report under Article 34, paragraph (1) or has made a false report, or has rejected, prevented, or challenged an inspection under the same paragraph.

Article 43 (1) When a corporation (including an organization without legal personality with provisions for a representative or an administrator; hereinafter the same applies in this paragraph) or a representative or manager, or an agent, employee, or other worker of a corporation or individual commits a violation of any of the provisions set forth in the following items with regard to the business of that corporation or individual, not only the offender is to be punished but also the corporation, by the fine prescribed respectively in those items, and the relevant individual, by the fine prescribed in the respective Articles:

- (i) Article 39: a fine of not more than 300 million yen;
 - (ii) Article 40: a fine of not more than 100 million yen; or
 - (iii) the preceding Article: a fine set forth in that Article.
- (2) When the preceding paragraph applies to an organization without legal personality, its representative or administrator represent the organization without legal personality in litigation, and the legal provisions concerning cases of criminal litigation in which a corporation is the accused or the suspect apply mutatis mutandis.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect from the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 6 of the Supplementary Provisions of

this Act comes into effect as of the day of promulgation.

(Review)

Article 2 The government is to review the status of enforcement of this Act within 10 years from the date of its enforcement, and take any necessary measure based upon the results of that review.

(Adjustment Provisions)

Article 3 If the date on which this Act comes into effect falls before the date on which the Food Labeling Act (Act No. 70 of 2013) comes into effect, for the purpose of applying the provisions of Article 3, paragraph (2) until the day before that date, the term "the Act on Standardization of Commodities concerning Agricultural and Forestry Products" in that paragraph is replaced with "the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products".

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in Article 3 of the Supplementary Provisions, any matter necessary for the enforcement of this Act is provided by Cabinet Order.

Supplementary Provisions [Act No. 108 of December 16, 2016] [Extract]

(Effective Date)

Article 1 This Act comes into effect from the date of enforcement of the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership in Japan (referred to in item (iii) as the "effective date"); provided, however, that the provisions set forth in the following items comes into effect as of the date specified in each item:

- (i) provisions of Article 9 of the Supplementary Provisions: the day of promulgation;
- (ii) provisions for amendment in Article 26, paragraph (3), item (i) of the Trademark Act in Article 3, and provisions in Article 10: on the day specified by Cabinet Order within a period not exceeding two months from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 8 Prior laws continue to govern the application of penal provisions to any acts committed prior to the date of enforcement and to any acts committed after the date of enforcement that are deemed to continue to be governed by prior laws pursuant to the provisions of Article 5 of the Supplementary

Provisions.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 70 of June 23, 2017] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions [Act No. 70 of July 6, 2018] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from the date of promulgation.

Supplementary Provisions [Act No. 88 of December 7, 2018] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from the date of entry into force of the EU-Japan Economic Partnership Agreement. Provided, however, that the provisions of Article 7 of the Supplementary Provisions come into effect as from the day of promulgation.

(Transitional Measures Concerning the Application for Registration of SAFFPF)

Article 2 Prior laws continue to govern an application for registration under Article 6 of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, or for registration of change under Article 15, paragraph (1) of the same Act or under Article 16, paragraph (1) of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs prior to amendment by this Act (referred to as "the former Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs" in the following Article, paragraph (1)), made prior to the date on which this Act comes into effect (hereinafter referred to as "date of enforcement") if no disposition has been implemented at the time of the enforcement of this Act regarding whether or not to perform the registration or the registration of change.

(Transitional Measures Concerning the Cancellation of Registration of SAFFPF)

- Article 3 (1) Prior laws continue to govern the procedures for the cancellation of registration or the change of designation concerned with the public notice, for which a public notice has been issued under Article 8, paragraph (1) of the former Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, applied mutatis mutandis pursuant to Article 22, paragraph (2) of the same law, or under Article 24 of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, applied mutatis mutandis pursuant to Article 31, paragraph (2) of the former Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs at the time of the enforcement of this Act.
- (2) The provisions of Article 22, paragraph (1) (limited to the part related to item (i), (d)) of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs as amended by this Act (referred to as the "New Act on the Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs" in the following Article) apply to cancellation of registration by reason of an act committed after the date of enforcement, while prior laws continue to govern cancellation of registration by reason of an act committed prior to the date of enforcement.

(Transitional Measures Concerning Exceptions to the Restriction on Use of Geographical Indication)

- Article 4 (1) For the application of the provisions of Article 3, paragraph (2), item (iv) of the New Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs to the SAFFPF (means SAFFPF set forth in Article 2, paragraph (2) of the same Act; the same applies to the following paragraph) concerned with a registration as specified by Article 6 of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs and made prior to the date of enforcement, the description "before the date of registration" in the same item is deemed to be replaced with "before the date of registration (if using an indication with the same name as or an indication similar to the geographical indication of a SAFFPF concerned with a registration made prior to the date of enforcement of the Act on the Partial Amendment of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 88 of 2018) (hereinafter referred to as "date of enforcement of the amended act" in this item) for the package, etc. other than the package, container, and invoice of an agricultural, forestry, and fisheries product, etc. belonging to the same category as the SAFFPF, before the date of enforcement of the amended act)"

and the description "date of registration of the SAFFPF" is deemed to be replaced with "date of enforcement of the amended act."

(2) For the application of the provisions of Article 3, paragraph (2), item (iv) of the New Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, which is applied by replacing certain descriptions based on the provisions of Article 30 of the New Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, to the SAFFPF concerned with a designation as specified by Article 23, paragraph (1) of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs and made prior to the date of enforcement, the description "before the date of designation" in the same item is deemed to be replaced with "before the date of designation (if using an indication with the same name as or an indication similar to the geographical indication of a SAFFPF concerned with a designation made prior to the date of enforcement of the Act on the Partial Amendment of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 88 of 2018) (hereinafter referred to as "date of enforcement of the amended act" in this item) for the package, etc. other than the package, container, and invoice of an agricultural, forestry, and fisheries product, etc. belonging to the same category as the SAFFPF, before the date of enforcement of the amended act)" and the description "date of designation of the SAFFPF" is deemed to be replaced with "date of enforcement of the amended act."

(Transitional Measures Concerning Penal Provisions)

Article 6 Prior laws continue to govern the application of penal provisions to acts committed prior to the date of enforcement.

(Delegation to Cabinet Order)

Article 7 Beyond what is provided for in the Supplementary Provisions, any transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.