

Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information

(Act No. 137 of November 30, 2001)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to set forth the limitation of liability of specified telecommunications service providers for damages and the right to demand disclosure of sender identification information, where the rights of others are violated due to dissemination of information through specified telecommunications and also to set forth necessary matters for court proceedings in relation to a case of a sender identification information disclosure order.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) the term "specified telecommunications" means transmitting telecommunications intended to be received information by unspecified persons as defined in Article 2 item (i) of the Telecommunications Business Act (Law No. 86 of 1984); hereinafter the same applies in this item and Article 5 paragraph (3) (excluding transmitting information through telecommunications intended to be received directly by the public).
- (ii) the term "specified telecommunications facilities" means telecommunications facilities (meaning telecommunications facilities as defined in Article 2, item (ii) of the Telecommunications Business Act; hereinafter the same applies in Article 5, paragraph (2)) which are used for

- specified telecommunications;
- (iii) the term "specified telecommunications service provider" means a person who provides specified telecommunications services (meaning telecommunications services (as defined in Article 2, item (iii) of the Telecommunications Business Act; hereinafter the same applies in Article 5, paragraph (2)) provided by using specified telecommunications facilities (hereinafter the same applies in paragraph (3) of that Article));
 - (iv) the term "sender" means a person who records information in a recording medium of specified telecommunications facilities used by a specified telecommunications service provider (limited to cases in which the information recorded in the recording medium is transmitted to unspecified persons), or a person who inputs information into a transmission device of specified telecommunications facilities (limited to cases in which the information input into the transmission device is transmitted to unspecified persons).
 - (v) the term "violating information" means the information by which a person alleges that the person's rights have been violated due to dissemination of information through specified telecommunications;
 - (vi) the term "sender identification information" means the name, address, and other information that contributes to the identification of the sender who dispatches violating information, as prescribed by Order of the Ministry of Internal Affairs and Communications;
 - (vii) the term "disclosure related service provider" means a specified telecommunications service provider prescribed in Article 5, paragraph (1) and the relevant telecommunications service provider prescribed in paragraph (2) of that Article;
 - (viii) the term "sender identification information disclosure order" means an order under the provisions of Article 8;
 - (ix) the term "case of a sender identification information disclosure order" means a case that involves a petition for a sender identification information disclosure order.

Chapter II Limitation of Liability for Damages

(Limitation of Liability for Damages)

Article 3 (1) If the rights of others are violated due to dissemination of information through specified telecommunications, the specified telecommunications service provider that uses specified telecommunications facilities used for specified telecommunications (hereinafter referred to as the "relevant service provider" in this paragraph) will not be liable for damages resulting from the violation, unless it is technically possible to take measures

for preventing the information from being transmitted to unspecified persons and the violation falls under any of the following items: provided, however, that this does not apply if the related service provider is the sender of information violating the rights of others:

- (i) if the relevant service provider knew that the violation of the rights of others was due to the dissemination of information through specified telecommunications;
 - (ii) if the relevant service provider had knowledge of the dissemination of information through specified telecommunications, and there are adequate grounds to believe that the relevant service provider was aware of the fact that the violation of the rights of others was due to the dissemination of information through specified telecommunications.
- (2) If a specified telecommunications service provider takes measures to prevent certain information from being transmitted through specified telecommunications, the specified telecommunications service provider will not be liable for any damages incurred by the sender of the information that was prevented from transmission by the measures, so far as those measures are taken to the extent necessary for preventing transmission of that information to unspecified persons and fall under any of the following items:
- (i) if there are adequate grounds for the specified telecommunications service provider to believe that the rights of others have been violated unjustly due to the dissemination of information through specified telecommunications;
 - (ii) if a person alleging that the person's rights have been violated due to the dissemination of information through specified telecommunications, files a petition that the specified telecommunications service provider should take measures to prevent the violating information from being transmitted (hereinafter referred to as "transmission prevention measures" in this item) by indicating the violating information, the allegedly violated rights, and the reason for that person to allege that the person's rights have been violated (hereinafter referred to as "violating information, etc." in this item), the specified telecommunications service provider indicates that violating information, etc. to the sender of violating information and inquires the sender whether the sender consents to taking the transmission prevention measures, and the specified telecommunications service provider does not receive a response from the sender after seven days have passed from the date the sender received the inquiry that the sender does not consent to taking the transmission prevention measures.

(Special Provisions for Candidates for Public Office)

Article 4 Beyond what is provided for in paragraph (2) of the preceding Article, if a specified telecommunications service provider takes measures to prevent

transmission of certain information through specified telecommunications (limited to information on documents and drawings disseminated during an election campaign period; hereinafter the same applies in this Article), the specified telecommunications service provider will not be liable for any damages incurred by the sender of the information that was prevented from transmission by the measures, so far as those measures are taken to the extent necessary for preventing transmission of that information to unspecified persons and fall under any of the following items:

(i) if a candidate, etc. for public office (meaning a candidate for public office, or political parties or other political organizations that has filed a candidate application pursuant to the provisions of Article 86, paragraph (1) or (8) of the Public Offices Election Act (Act No. 100 of 1950)), a party, etc. that has filed lists of candidates for the House of Representatives (meaning political parties or other political organizations that have made a notification under the provisions of Article 86-2, paragraph (1) of the that Act), or a party, etc. that have filed lists of candidates for the House of Councilors (meaning political parties or other political organizations that have made a notification under the provisions of Article 86-3, paragraph (1) of the that Act; the same applies hereinafter in the next item) alleging that such candidate's or party's reputation was damaged by the information distributed through specified telecommunications, that was related to documents and drawings used for election campaigns or that was used for activities to prevent the candidate, etc. from being elected (hereinafter in this Article referred to as "specific documents and drawings") files a petition that the specified telecommunications service provider takes measures to prevent the information impinge on the reputation of the candidate, etc. (hereinafter in this Article referred to as "defamatory information") from being transmitted (hereinafter in this Article referred to as "measures for preventing transmission of defamatory information") by indicating the fact that the reputation was damaged, the reason for alleging that the reputation of the candidate, etc. has been damaged, and the fact that the defamatory information is related to the specific documents and drawings (hereinafter in this Article referred to as "defamatory information, etc."), the specified telecommunications service provider indicates that defamatory information etc. to the sender of the defamatory information and inquires whether it consents to taking measures for preventing transmission of the defamatory information, and the specified telecommunications service provider does not receive any notice from the sender indicating that the sender does not consent to taking the measures for preventing transmission of defamatory information after two days have passed from the day the sender received the inquiry;

(ii) if a candidate, etc. for public office alleges that the candidate's reputation is damaged due to the dissemination of information through specified telecommunications of which information was related to specific documents and drawings, by indicating the defamatory information, etc. and the fact that the electronic mail address, etc. (meaning the electronic mail address, etc. specified in Article 142-3, paragraph (3) of the Public Offices Election Act; the same applies hereinafter in this item) of the sender of the defamatory information is not displayed in violation of the same paragraph or Article 142-5, paragraph (1) of the same Act, and requests that the specified telecommunications service provider takes measures for preventing transmission of defamatory information, but the electronic mail address, etc. of the sender of the defamatory information is not displayed correctly on the screen of the communications terminal equipment (including input-output devices) used by the person receiving the specified telecommunications related to the information.

Chapter III Demand for Disclosure of Sender Identification Information

(Demand for Disclosure of Sender Identification Information)

Article 5 (1) A person alleging that their rights are violated due to dissemination of information through specified telecommunications, may demand the disclosure of sender identification information to the specified telecommunications service provider that uses a specified telecommunication facility for the purpose of providing the specified telecommunications with respect to the sender identification information, relative to violating the person's rights, held by the specified telecommunications service provider; other than the specified sender identification information, (which is specified in Order of the Ministry of Internal Affairs and Communications as sender identification information that relates solely to the violation-related telecommunications; the same applies hereinafter in this paragraph and Article 15, paragraph (2)) if both item (i) and (ii) below are applicable, and in the case of the specified sender identification information, it is applicable if all of the items below are applicable.

- (i) if it is obvious that the rights of the person demanding the disclosure have been violated due to the dissemination of the violating information as to which the disclosure is demanded;
- (ii) if the sender identification information is necessary for the person demanding the disclosure to exercise the person's rights to claim damages or if there are other legitimate grounds for the person to receive disclosure of the sender identification information;
- (iii) if any of (a) through (c) below is applicable:

- (a) if it is determined that the specified telecommunications service provider does not possess any sender identification information other than the specified sender identification information pertaining to the violation of the rights;
 - (b) if it is determined that any sender identification information other than the specified sender identification information pertaining to the violation of the rights possessed by the specified telecommunications service provider is the only sender identification information other than those listed below prescribed in Order of the Ministry of Internal Affairs and Communications:
 - 1. name and address of the sender of the violating information as to which the disclosure is demanded;
 - 2. sender identification information that can be used in order to identify other disclosure related service providers pertaining to the violation of the rights;
 - (c) if it is determined that the person demanding the disclosure is unable to identify the sender of the violating information as to which the disclosure is demanded by the sender identification information (except for specified sender identification information) disclosed pursuant to the provisions of this paragraph.
- (2) A person alleging that their rights are violated due to dissemination of information through specified telecommunications may demand that a telecommunications service provider that uses telecommunications facilities used for the violation-related telecommunications pertaining to the specified telecommunications (excluding any specified telecommunications service provider pertaining to such specified telecommunications as prescribed in the preceding paragraph; hereinafter in this paragraph referred to as a "relevant telecommunications service provider") disclose sender identification information pertaining to the violation-related telecommunications possessed by the relevant telecommunications service provider if all of the following items are applicable:
- (i) if it is obvious that the rights of the person demanding the disclosure have been violated due to the dissemination of the violating information as to which the disclosure is demanded;
 - (ii) if the sender identification information is necessary for the person demanding the disclosure to exercise their right to claim damages or if there are other legitimate grounds for them to receive disclosure of the sender identification information.
- (3) The term "violation-related telecommunications" as used in the preceding two paragraphs means transmission by telecommunications of identification codes (which refers to characters, numbers, symbols, and other codes used by the

specified telecommunications service provider in providing the specified telecommunications service in order to identify a certain person who may receive the provisions of the specified telecommunications service and distinguish the person from other persons) and other codes relating to the specified telecommunications service conducted by the sender of violating information in order to use or terminate the use of the specified telecommunications service pertaining to the transmission of the violating information, as prescribed in Order of the Ministry of Internal Affairs and Communications as those falling within the necessary scope in order to specify the sender of the violating information.

(Obligations of Disclosure Related Service Provider)

- Article 6 (1) If the related disclosing service provider receives a claim as prescribed in paragraph (1) or (2) of the preceding Article, the provider must hear the opinion of the sender of the violating information pertaining to the demand for disclosure on whether the sender consents to the disclosure of the sender's identification information (including grounds for the opinion if the sender is of an opinion that the demand for the disclosure should not be accommodated), except if the provider is unable to contact the sender or if there are any other special circumstances.
- (2) If the disclosure related service provider receives a sender identification information disclosure order, then without delay, the provider must so notify the sender of violating information subject to the sender identification information disclosure order, who expressed an opinion that the demand for the disclosure as prescribed in paragraph (1) or (2) of the preceding Article should not be accommodated when the opinion was sought pursuant to the preceding paragraph (but limited to that relating to the sender identification information disclosure order), except if it is difficult to notify the sender.
- (3) When the disclosure related service provider receives sender identification information under the order from any other disclosure related service provider who received an order pursuant to the provisions of Article 15, paragraph (1) (limited to the portion relating to item (ii)), the related disclosing service provider as the recipient must not use the sender identification information for any purposes other than identifying sender identification information (limited to portions relating to the violating information) possessed by the provider.
- (4) The disclosure related service provider is not liable for any damages incurred by the person who demanded the disclosure prescribed in the provisions of paragraph (1) or (2) of the preceding Article due to provider's refusal of that demand, unless the damages were due to an intentional act or gross negligence on the part of the provider; provided, however, that this does not apply if the disclosure related service provider is the sender of the violating information

pertaining to the demand for disclosure.

(Obligations of Person who Received Disclosure of Sender Identification Information)

Article 7 A person to whom the sender identification information has been disclosed as prescribed in the provisions of Article 5, paragraph (1) or (2) must not use the sender identification information without a good reason or commit an act that unjustly damages the reputation or would disturb the peaceful life of the sender.

Chapter IV Court Proceedings for Case of Sender Identification Information Disclosure Order

(Sender Identification Information Disclosure Order)

Article 8 Upon the filing of a petition by a person who alleges that the person's rights have been violated due to disseminating information through specified telecommunications means, the court may, by way of a ruling, order the disclosure related service provider pertaining to the violation of the right to disclose sender identification information as demanded pursuant to the provisions of Article 5, paragraph (1) or (2).

(Jurisdiction of Courts in Japan)

Article 9 (1) The court has jurisdiction over a petition for a sender identification information disclosure order if any of the items set forth below is applicable.

(i) if the opposite party is an individual person, when any of the following (a) through (c) is applicable:

(a) if the opposite party's domicile or residence is in Japan;

(b) if the opposite party's domicile or residence is in Japan, the relevant party's domicile and residence is unknown, or if the opposite party had resided in Japan before the petition was filed (unless the party has been resided in Japan prior to moving to a foreign country.)

(c) if the opposite party is an ambassador, minister, or any other Japanese national in a foreign country who enjoy immunity from the jurisdiction of that country.

(ii) if the opposite party is a corporation or any other association or foundation, when either of the following (a) or (b) is applicable:

(a) if the opposite party's principal office or business office is located in Japan;

(b) if the opposite party's principal office or business office is not located in Japan and if either of the following (1) or (2) below is applicable.

1. if the opposite party's office or business office is located in Japan and if

the petition is related to the business conducted by the relevant office or business office;

2. if neither the opposite party's principal office nor business office is located in Japan or if either of their office's location is unknown, and if the representative or other person principally in charge of its business is resided in Japan.
- (iii) beyond what is set forth in the preceding two items, if the opposite party is an individual person who conducts business in Japan (including any foreign company (which refers to a foreign company as prescribed in Article 2, item (ii) of the Companies Act (Act No. 86 of 2005)) which continuously conducts transactions in Japan) and if the petition relates to the opposite party's business in Japan.
- (2) Notwithstanding the preceding paragraph, parties may establish, by agreement, the country in which they are permitted to file a petition for a sender identification information disclosure order with the courts.
 - (3) The agreement as referred to in the preceding paragraph is not valid unless it is executed by means of a written document.
 - (4) If electronic or magnetic records (meaning records used in computer data processing which are created in electronic form, magnetic form, or any other form that is impossible to recognize through the human senses alone) in which the content of the agreement is recorded must be used to execute the agreement as referred to in paragraph (2), the agreement is deemed to have been executed by means of a written document, and the provisions of the preceding paragraph apply.
 - (5) The agreement under paragraph (2) that a petition for a sender identification information disclosure order may be filed only with the courts of a foreign country, may not be invoked if those courts are unable to exercise jurisdiction by law or in fact.
 - (6) Even when the Japanese courts have jurisdiction over a petition for a sender identification information disclosure order pursuant to the provisions of the preceding respective paragraphs (except when a petition is filed based on an agreement under paragraph (2) that only permits a petition to be filed with the Japanese courts), the court may dismiss the whole or part of a petition without prejudice if it finds that there are special circumstances under which the Japanese courts were to conduct a trial and reach a judicial decision in the action, it would be inequitable to either party or prevent a fair and speedy trial, in consideration of the nature of the case, the degree of burden that the opposite party would have to bear in pursuing the proceedings, the location of evidence, and other circumstances.
 - (7) Whether the Japanese courts have jurisdiction is determined on the basis of the time at which a petition for a sender identification information disclosure

order is filed.

(Jurisdiction)

Article 10 (1) A petition for a sender identification information disclosure order is under the jurisdiction of a district court which has jurisdiction over a location specified in the respective items below, depending on the categories listed in the respective items below.

- (i) if the opposite party is an individual person: location of the opposite party's residence (if the opposite party's residence is not in Japan or the party's residence is unknown: location of the party's residence; and if the party's residence is not in Japan or the party's residence is unknown: location of the party's last residence must be used.);
 - (ii) if the opposite party is an ambassador, minister, or any other Japanese national in a foreign country who enjoys immunity from the jurisdiction of that country, and if jurisdiction is not determined pursuant to this paragraph (limited to the portion relating to the preceding item): the location determined under the Rules of the Supreme Court;
 - (iii) if the opposite party is a corporation or any other association or foundation: location of the office or business office specified in (a) or (b) below (if such office or business office is not located in Japan, location of the domicile of its representative or other person principally in charge of its business).
 - (a) The opposite party's principal office or business office;
 - (b) If the petition relates to the business conducted at the opposite party's principal office or business office (other than the one specified in (a)): the relevant office or business office.
- (2) With regard to a petition for a sender identification information disclosure order as to which the Japanese courts would have jurisdiction pursuant to the provisions of the preceding Article, if the competent court is not determined pursuant to the provisions of the preceding paragraph or other laws and regulations, then the petition is under the jurisdiction of a district court having jurisdiction over the location prescribed in the Rules of the Supreme Court.
- (3) With regard to a petition for a sender identification information disclosure order, if a court listed in the following items would have jurisdiction pursuant to the provisions of the preceding two paragraphs, the petition may also be filed with the court specified in the relevant item:
- (i) a district court (except for the Tokyo District Court) located within the territorial jurisdiction of the Tokyo High Court, the Nagoya High Court, the Sendai High Court, or the Sapporo High Court: the Tokyo District Court;
 - (ii) a district court (except for the Osaka District Court) located within the territorial jurisdiction of the Osaka High Court, the Hiroshima High Court,

the Fukuoka High Court, or the Takamatsu High Court: the Osaka District Court.

- (4) Notwithstanding the preceding three paragraphs, a petition for a sender identification information disclosure order is under the jurisdiction of a district court specified by the parties by agreement. In that case, the provisions of paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis*.
- (5) Notwithstanding the provisions of the preceding respective paragraphs, with regard to a petition for a sender identification information disclosure order filed by a person alleging the infringement of the relevant person's patent right, utility model right, layout-design exploitation right for an integrated circuit, or an author's right to a work of computer programming, if a court listed in the following items would have jurisdiction over the petition pursuant to each paragraph, the petition is under the exclusive jurisdiction of the court specified in the relevant item:
 - (i) a district court located within the territorial jurisdiction of the Tokyo High Court, the Nagoya High Court, the Sendai High Court, or the Sapporo High Court: the Tokyo District Court;
 - (ii) a district court located within the territorial jurisdiction of the Osaka High Court, the Hiroshima High Court, the Fukuoka High Court, or the Takamatsu High Court: the Osaka District Court.
- (6) An immediate appeal to a decision rendered by the court specified in item (ii) of the preceding paragraph in the case of a sender identification information disclosure order (but limited to one relating to infringement of the rights set forth in the paragraph) is under the exclusive jurisdiction of the Tokyo High Court.
- (7) Notwithstanding the provisions of the preceding paragraphs, with regard to the case specified in item (i) below relating to a petition by a person to whom, pursuant to the order under Article 15, paragraph (1) (but limited to the portion relating to item (i) of paragraph (1)), information such as names of other related disclosing service providers was provided as the relevant information is specified in (a) of item (i), if the case specified in item (ii) below relating to the petition by the person to whom the information was provided is pending, then the former case is under the exclusive jurisdiction of the court at which the latter case is pending.
 - (i) case of a sender identification information disclosure order in respect of violating information pertaining to the provisions where the opposite party is the other disclosure related service provider;
 - (ii) other cases of a sender identification information disclosure order in respect of violating information pertaining to the relevant provision.

(Delivery of Copy of Petition for Sender Identification Information Disclosure

Order)

- Article 11 (1) When a petition for a sender identification information disclosure order is filed with a court, the court must deliver to the opposite party a copy of the petition for the sender identification information disclosure order unless the petition is unlawful or unless the relevant petition is clearly groundless.
- (2) The provisions of Article 43, paragraphs (4) through (6) of the Non-Contentious Case Procedures Act (Act No. 51 of 2011) apply mutatis mutandis to a case where a copy of the petition for a sender identification information disclosure order may not be delivered (including if expenses required for the delivery of a copy of the relevant petition are not prepaid).
- (3) Before rendering a decision on a petition for a sender identification information disclosure order, the court must hear the party's statements; provided that, this does not apply when the court renders a decision to dismiss the petition, finding that it is unlawful or clearly groundless.

(Inspection of Records of Case of Sender Identification Information Disclosure Order)

- Article 12 (1) The parties to a case and any third party that makes a prima facie showing of interest in the case may file a request with the court clerk to inspect or copy the case record, to issue an authenticated copy, transcript, or extract of the case record, or to issue a certificate of the particulars of the case of the sender identification information disclosure order.
- (2) The provisions of the preceding paragraph do not apply with respect to case records of the case of a sender identification information disclosure order that are being prepared in the form of audiotapes or videotapes (including any other matters that have been recorded by means equivalent thereto). Nevertheless, the relevant parties or a third party that makes a prima facie showing of interest may file a request with the court clerk for a reproduction of these matters.
- (3) The request for inspection, copying and reproduction of records of a case of a sender identification information disclosure order pursuant to the provisions of the preceding two paragraphs may not be filed if these actions would be detrimental to the preservation of the case record or the performance of the court duties.

(Withdrawal of Petition for Sender Identification Information Disclosure Order)

- Article 13 (1) A petition for a sender identification information disclosure order may be withdrawn in whole or in part before a decision on the petition becomes final and binding; provided that, after the following decisions is made, or withdrawal of the petition is invalid without the consent of the opposite party:

- (i) a decision on the petition;
 - (ii) an order under the provisions of Article 15, paragraph (1) where the case of a sender identification information disclosure order pertaining to the petition is the primary matter.
- (2) In the case that a petition for a sender identification information disclosure order is withdrawn, if the opposite party's consent is required for the withdrawal of the petition pursuant to the provisions of the proviso to the preceding paragraph, the court must notify the opposite party of the withdrawal of the petition; provided that, this does not apply if the petition is withdrawn orally on the date for proceedings of the case of the sender identification information disclosure order and if the opposite party appears on the required date.
- (3) If the opposite party does not state an objection within two weeks from the day on which that party receives a notice pursuant to the provisions in the main text of the preceding paragraph, the opposite party is deemed to have consented to the withdrawal of the petition under the formal notice. The same applies in the case prescribed in the proviso to the relevant paragraph if the opposite party does not state an objection within two weeks from the day on which the petition is withdrawn.

(Action to Oppose a Decision on Petition for Sender Identification Information Disclosure Order)

- Article 14 (1) A party who is dissatisfied with a decision on a petition for a sender identification information disclosure order (except for a decision to dismiss the petition on the ground that the petition is unlawful) may file an action to oppose the decision within an inalterable time frame of one month from the day on which the notice of the decision is received.
- (2) An action prescribed in the preceding paragraph is under the exclusive jurisdiction of the court which made the decision prescribed in the paragraph.
- (3) In a judgment on the action prescribed in paragraph (1), the court approves, modifies or withdraws the decision prescribed in the paragraph except if the action is dismissed on the ground that the action is unlawful.
- (4) A judgment that approves or modifies the order prescribed in paragraph (1) and that orders the disclosure of sender identification information has the same effect in terms of compulsory execution as a judgment that orders payment.
- (5) If an action prescribed in paragraph (1) is not filed within the time frame prescribed in that paragraph or is dismissed, the decision prescribed in that paragraph with regard to the action has the same effect as the final and binding judgment.
- (6) In applying the provisions of Article 59, paragraph (1) of the Non-Contentious

Case Procedures Act to the case if the court makes the decision prescribed in paragraph (1), the phrase "an immediate appeal may be filed" in Article 59, paragraph (1), item (ii) of the Act is read as "an action of opposition may be filed".

(Information Provision Order)

Article 15 (1) If the court at which a case of a sender identification information disclosure order on the merits is pending recognizes the necessity in order to prevent a situation which could lead to the inability to identify the sender of the violating information pertaining to the petition for the sender identification information disclosure order, then upon petition by the person who filed the petition for the sender identification information disclosure order (hereinafter referred to as the "petitioner" in this paragraph), the court may issue a ruling ordering the disclosure related service provider as the opposite party in the petition for the sender identification information disclosure order to take the following actions:

- (i) to provide the petitioner with information specified in (a) or (b), respectively, based on the cases in (a) or (b) below (information prescribed in (a) if the cases described in (a) are considered applicable) in writing or by electronic or magnetic means (which refers to means the use of an electronic data processing system or other means of information and communications technology as specified by Order of the Ministry of Internal Affairs and Communications; the same applies in the following item);
 - (a) if sender identification information possessed by the disclosure related service provider (but limited to that pertaining to the petition for the sender identification information disclosure order; the same applies hereinafter in this paragraph) makes it possible to identify the name and address of any other disclosure related service providers (excluding one who is recognized as the sender of the violating information; the same applies in (b)) (the name and address are referred to in this paragraph and paragraph (3) as "information such as names of other disclosure related service providers"): information such as names of any other disclosure related service providers;
 - (b) if the disclosure related service provider does not possess sender identification information that makes it possible to identify any other disclosure related service providers pertaining to the violating information and that is specified as such by Order of the Ministry of Internal Affairs and Communications, or if that disclosure related service provider is unable to make the identification as prescribed in (a) by using the sender identification information: notification to that effect.
- (ii) to provide, in writing or by electronic or magnetic means, other disclosure

related service providers with sender identification information possessed by that disclosure related service provider when the disclosure related service provider receives, in writing or by electronic magnetic means, from the petitioner to whom information such as names of other disclosure related service providers has been provided pursuant to the order under the provisions of this paragraph (hereinafter referred to as "information provision order" in this paragraph; limited to the portion relating to the preceding item), notice to the effect that the petitioner filed a petition for a sender identification information disclosure order against other disclosure related service provider as the opposite party.

(2) If the opposite party against whom the petition for the sender identification information disclosure order prescribed in the preceding paragraph (limited to the portions other than those listed in the respective items) has been filed, is a specified telecommunications service provider prescribed in Article 5, paragraph (1), and the party who filed the petition demands the disclosure of sender identification information including specified sender identification information, then the provisions of the preceding paragraph apply by replacing the phrase "that pertaining to" in the provisions of item (i), (a) in that paragraph with the relevant phrase in the right column in the following table, depending on the category set forth in the left column in the same table:

If it is determined that Article 5, paragraph (1), item (iii) is applicable to the demand for disclosure of such specified sender identification information:	specified sender identification information prescribed in Article 5, paragraph (1) pertaining to
If it is determined that Article 5, paragraph (1), item (iii) is not applicable to the demand for disclosure of such specified sender identification information:	sender identification information other than specified sender identification information prescribed in Article 5, paragraph (1) pertaining to

(3) If either of the following items becomes applicable, the information provision order (if the person to whom information such as names of other disclosure related service providers has been provided with regard to two or more other disclosure related service providers pursuant to the information provision order falls under the category of item (ii) because the relevant person does not give a notice prescribed in paragraph (1), item (ii) to certain other disclosure related service providers, then only the portion of the information provision order pertaining to other disclosure related service providers) is no longer effective.

(i) when the case of a sender identification information disclosure order, which

- is the primary matter in respect of the information provision order, ends (or if an action prescribed in paragraph (1) of the preceding Article is instituted against a decision prescribed in that paragraph for the case of a sender identification information disclosure order, when that lawsuit ends);
- (ii) when the person to whom information such as names of other disclosure related service providers has been provided pursuant to the information provision order, fails to give a notice, prescribed in paragraph (1), item (ii), to the disclosure related service provider against whom the relevant information provision order has been issued, within two months after the date of receipt of the provision.
- (4) A petition for an information provision order may be withdrawn in whole or in part even after the information provision order is given.
 - (5) The disclosure related service provider against whom an information provision order has been issued, may file an immediate appeal against the information provision order.

(Deletion Prohibitory Order)

- Article 16 (1) If the court at which a case of a sender identification information disclosure order on the merits is pending, recognizes the necessity in order to prevent a situation which could lead to the inability to identify the sender of violating information pertaining to the petition for the sender identification information disclosure order, then upon petition by the person who filed the petition for the sender identification information disclosure order, the court may issue a ruling ordering that the disclosure related service provider as the opposite party against whom the petition for the sender identification information disclosure order was filed may not delete the sender identification information (limited to that relating to the petition for the sender identification information disclosure order) possessed by the disclosure related service provider until the relevant case of the sender identification information disclosure order ends (or if an action prescribed in Article 14, paragraph (1) is instituted against a decision prescribed in the paragraph for that case of a sender identification information disclosure order, until the lawsuit ends).
- (2) A petition for the order issued pursuant to the provisions of the preceding paragraph (hereinafter referred to in this Article as a "deletion prohibitory order") may be withdrawn in whole or in part even after the deletion prohibitory order is issued.
 - (3) The disclosure related service provider against whom a deletion prohibitory order has been issued may file an immediate appeal against the deletion prohibitory order.

(Exclusion from Application of the Non-Contentious Case Procedures Act)

Article 17 The proviso to Article 22, paragraph (1) and the provisions of Articles 27 and 40 of the Non-Contentious Case Procedures Act do not apply to court proceedings relating to a case of a sender identification information disclosure order.

(Rules of the Supreme Court)

Article 18 Beyond what is provided for in this Act, necessary particulars in connection with court proceedings relating to a case of a sender identification information disclosure order are prescribed by the Rules of the Supreme Court.

Supplementary Provisions

This Act is to come into effect as of the date specified by Cabinet Order within six months from the date of promulgation.

Supplementary Provisions [Act No. 10 of April 26, 2013] [Extract]

(Effective Date)

Article 1 This Act is to come into effect as of the date on which one month has elapsed from the date of promulgation.

(Applicability)

Article 2 The provisions of the Public Offices Election Act as amended by this Act (hereinafter referred to as the "New Act") (except for Article 142-4, paragraph (2), paragraphs (4) and (5) (but with regard to paragraphs (2) and (5), limited to portions relating to notification), Articles 152, 229 and 271-6 of the New Act) and the provisions of the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information (Act No. 137 of 2001) as amended by the provisions of Article 6 of the Supplementary Provisions of this Act become applicable to any elections the date of which is publicly announced on or after the earlier of the date of public notice of the date for a general election of members of the House of Representatives first publicly announced after the date of the implementation of this Act (hereinafter referred to as the "implementation date") or the date of public notice of the date for regular election of members of the House of Councilors first publicly announced after the implementation date (such earlier date is hereinafter referred to as the "date of public notice"), and with regard to any elections the date of which is publicly announced on or before the date immediately preceding the date of public notice, the prior provisions remain applicable.

Supplementary Provisions [Act No. 27 of April 28, 2021] [Extract]

(Effective Date)

Article 1 This Act is to come into effect as of the date specified by Cabinet Order within one year and six months from the date of promulgation.

(Transitional Measures Relating to Hearing of the Sender's Opinion)

Article 2 Any hearings of the sender's opinion carried out before the amendment by this Act pursuant to the provisions of Article 4, paragraph (2) of the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information before the amendment by this Act is deemed to be the hearing of the opinion carried out pursuant to the provisions of Article 6, paragraph (1) of the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information as amended by this Act (hereinafter referred to as the "New Act").

(Review)

Article 3 Upon the elapse of five years from the date on which this Act comes into effect, the government is to review the status of the enforcement of the New Act and take necessary measures based on the results of the review.