

Order for Enforcement of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Tentative translation)

(Cabinet Order No. 394 of December 23, 2022)

The Cabinet hereby enacts this Cabinet Order based on the provisions of Article 7, Article 16, paragraph (1), item (i) and paragraph (4), item (i), Article 26, items (v) and (viii), Article 28, paragraph (5), Article 30, paragraphs (1) through (3), and Article 34, paragraph (7) of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Act No. 43 of 2022) and for the purpose of implementing the Act.

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Chapter I Ensuring Stable Supply of Specified Critical Products

(Designation of Specified Critical Products)

Article 1 The following products are designated as specified critical products based on the provisions of Article 7 of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (hereinafter referred to as the "Act" except in Article 3, item (xiii)):

- (i) antimicrobial substance preparations;
- (ii) fertilizers;
- (iii) permanent magnets;
- (iv) machine tools and industrial robots;
- (v) aircraft parts (limited to those constituting an aircraft engine or airframe);
- (vi) semiconductor devices and integrated circuits;
- (vii) batteries;
- (viii) computer programs used for systems providing computers (including an input-output device) for another person's use for information processing via the Internet or any other advanced information and telecommunications network;
- (ix) combustible natural gas;

- (x) metallic mineral products (limited to manganese, nickel, chromium, tungsten, molybdenum, cobalt, niobium, tantalum, antimony, lithium, boron, titanium, vanadium, strontium, rare earth metals, platinum group metals, beryllium, gallium, germanium, selenium, rubidium, zirconium, indium, tellurium, cesium, barium, hafnium, rhenium, thallium, bismuth, graphite, fluorine, magnesium, silicon, phosphorus, and uranium);
- (xi) marine equipment (limited to marine engines, navigational instruments, and propelling gear); and
- (xii) capacitors and wave filters.

(Designated Financial Institutions)

Article 2 A financial institution as provided by Cabinet Order referred to in Article 16, paragraph (1), item (i) of the Act is as follows:

- (i) a bank;
- (ii) a long term credit bank;
- (iii) a shinkin bank and a federation of shinkin banks;
- (iv) a credit cooperative and federation of cooperatives (limited to those engaged in both of the businesses stated in Article 9-9, paragraph (1), item (i) and item (ii) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949));
- (v) a labor bank and federation of labor banks;
- (vi) an agricultural cooperative (limited to one that concurrently conducts the business referred to in Article 10, paragraph (1), item (ii) and (iii) of the Agricultural Co-operatives Act (Act No. 132 of 1947)) and a federation of agricultural cooperatives (limited to one that concurrently conducts the business referred to in item (ii) or (iii) of the same paragraph);
- (vii) a fishery cooperative (limited to one that concurrently conducts the business referred to in Article 11, paragraph (1), item (iii) and (iv) of the Fishery Industry Cooperative Act (Act No. 242 of 1948)), a federation of fishery cooperatives (limited to one that concurrently conducts the business referred to in Article 87, paragraph (1), item (iii) or (iv) of the same Act), a fishery processing cooperative association (limited to one that concurrently conducts the business referred to in Article 93, paragraph (1), item (i) or (ii) of the Act), and a federation of fishery processing cooperatives (limited to one that concurrently conducts the business referred to in Article 97, paragraph (1), item (i) and (ii) of the Act);
- (viii) the Norinchukin Bank;
- (ix) the Shoko Chukin Bank, Ltd.; or
- (x) Development Bank of Japan Inc.

(Acts Forming a Basis for Designation as a Designated Financial Institution)

Article 3 The Act as provided by Cabinet Order referred to in Article 16, paragraph (4), item (i) of the Act is as follows:

- (i) the Agricultural Co-operatives Act;
- (ii) the Fishery Cooperative Act;
- (iii) the Small and Medium-Sized Enterprise Cooperatives Act;
- (iv) the Act on Financial Businesses by Cooperative (Act No. 183 of 1949);
- (v) the Shinkin Bank Act (Act No. 238 of 1951);
- (vi) the Long Term Credit Bank Act (Act No. 187 of 1952);
- (vii) the Labor Bank Act (Act No. 227 of 1953);
- (viii) the Banking Act (Act No. 59 of 1981);
- (ix) the Norinchukin Bank Act (Act No. 93 of 2001);
- (x) the Japan Finance Corporation Act (Act No. 57 of 2007);
- (xi) the Shoko Chukin Bank Limited Act (Act No. 74 of 2007);
- (xii) the Act on Development Bank of Japan Inc. (Act No. 85 of 2007); and
- (xiii) the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures.

(Application of Order for Enforcement of the Japan Finance Corporation Act)

Article 4 With regard to application of the provisions of Article 30, paragraph (1) and Article 31, paragraphs (1) and (2) of Order for Enforcement of the Japan Finance Corporation Act (Cabinet Order No. 143 of 2008) if the operations to facilitate promotion of supply support prescribed in Article 13, paragraph (1), item (i) of the Act is conducted, the phrase "Article 59, paragraph (1) of the Act" in Article 30, paragraph (1) of the Order is deemed to be replaced with "Article 59, paragraph (1) of the Act as applied pursuant to Article 25, paragraph (2) of the Act for the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Act No. 43 of 2022) following the deemed replacement of terms" and the phrase "Article 59, paragraph (1) of the Act" in the items of Article 31, paragraph (1) of the Order and paragraph (2) of the same Article is deemed to be replaced with "Article 59, paragraph (1) of the Act as applied pursuant to Article 25, paragraph (2) of the Act for the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures following the deemed replacement of terms".

(Scope of a Small and Medium-Sized Enterprises)

Article 5 (1) The business categories provided by Cabinet Order and the amount of stated capital or the total amount of contributions and the number of regularly hired employees for each business category referred to in Article 26, item (v) of the Act are as shown in the following table:

	Business category	Amount of stated capital or total amount of contributions	Number of regularly hired employees
(i)	rubber product manufacturing industry (excluding the automobile or aircraft tire and tube manufacturing industry, and industrial belt manufacturing industry)	300,000,000 yen	900 employees
(ii)	software service industry or information processing service industry	300,000,000 yen	300 employees
(iii)	hotel business industry	50,000,000 yen	200 employees

(2) The partnerships or their federations as specified by Cabinet Order referred to in Article 26, item (viii) of the Act are as follows:

- (i) a business cooperative, a small business cooperative, and a federation of cooperatives;
- (ii) an agricultural cooperative and a federation of agricultural cooperatives;
- (iii) a fishery cooperative, a federation of fishery cooperatives, a fishery processing cooperative, and a federation of fishery processing cooperatives;
- (iv) a forestry cooperative and a federation of forestry cooperatives;
- (v) a commercial and industrial cooperative and a federation of commercial and industrial cooperatives;
- (vi) a shopping district promotion cooperative or a federation of shopping district promotion cooperatives;
- (vii) an environmental health industry cooperative, a small environmental health industry cooperative, or a federation of environmental health industry cooperatives, of which not less than two thirds of the direct or indirect members are corporations whose amount of stated capital or total amount of contributions is not more than 50,000,000 yen (100,000,000 yen in the case of an enterprise whose principal business is the wholesale business), or those who regularly employ not more than 50 employees (100 employees in the case of an enterprise whose principal business is the wholesale business or the service business);
- (viii) a Sake brewer cooperative, a federation of Sake brewer cooperatives, or the Japan Sake and Shochu Makers Association of which not less than two thirds of the direct or indirect members, which are Sake brewers, are corporations whose amount of the stated capital or total amount of contributions is not more than 300,000,000 yen, or those who regularly employ not more than 300 employees, or a Sake merchant cooperative, a federation of Sake merchant cooperatives, or a Japan Sake merchant

association, of which not less than two thirds of the direct or indirect members, which are Sake merchant businesses, are corporations whose amount of stated capital or total amount of contributions is not more than 50,000,000 yen (100,000,000 yen in case of a Sake wholesale business), or those who regularly employ not more than 50 employees (100 employees in the case of a Sake wholesale business);

(ix) a coastal shipping cooperative or a federation of coastal shipping cooperatives, of which not less than two thirds of the direct or indirect members, which are engaged in the coastal shipping business, are corporations whose amount of stated capital or total amount of contributions is not more than 300,000,000 yen, or those who regularly employ not more than 300 employees; and

(x) a technology research cooperative of which not less than two-thirds of the direct or indirect members fall under Article 26, items (i) through (vii) or (ix) of the Act.

(Insurance Premium Rate)

Article 6 (1) The rate provided by Cabinet Order referred to in Article 28, paragraph (5) of the Act (referred to as "insurance premium rate" in the following paragraph) is 0.41% for the ordinary insurance prescribed in Article 3, paragraph (1) of the Small and Medium-Sized Enterprise Credit Insurance Act (Act No. 264 of 1950) and the unsecured insurance prescribed (referred to as "unsecured insurance" in the following paragraph) in Article 3-2, paragraph (1) of the Act (0.35% in the case of a negotiable instrument discount special guarantee (meaning the negotiable instrument discount special guarantee prescribed in Article 2, paragraph (1) of the Order for Enforcement of the Small and Medium-Sized Enterprise Credit Insurance Act (Cabinet Order No. 350 of 1950); hereinafter the same applies in this paragraph) and an overdraft special guarantee (meaning the overdraft special guarantee prescribed in Article 2, paragraph (1) of the Order; hereinafter the same applies in this paragraph)), and 0.19% for the special petty insurance prescribed in Article 3-3, paragraph (1) of the Act (0.15% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee) per year during a guaranteed period of borrowings (meaning the period of borrowing prescribed in Article 2, paragraph (1) of the Order).

(2) Notwithstanding the provisions of the preceding paragraph, if a small and medium-sized enterprise that has received a guarantee of the obligations was a corporation satisfying the requirements specified by Order of the Ministry of Economy, Trade and Industry as set forth in Article 3-2, paragraph (1) of the Small and Medium-Sized Enterprise Credit Insurance Act, the insurance premiums rate for the relevant insurances which is based on the unsecured

insurance is the rate specified in the preceding paragraph plus 0.0625%.

(Procedure for Requesting an Investigation)

Article 7 When making a request under the provisions of Article 30, paragraphs (1) through (3) of the Act, the competent minister is to submit to the Minister of Finance evidence necessary for determining whether or not to initiate an investigation prescribed in Article 7, paragraph (6), Article 8, paragraph (5) or Article 9, paragraph (6) of the Customs Tariff Act (Act No. 54 of 1910). In this case, if the competent minister requests that all or part of the evidence be treated as confidential, a document stating to that effect and the reasons must also be submitted.

(Procedure for Making a Payment under Article 34, Paragraph (6) of the Act)

Article 8 (1) If a stable supply support corporation receives an order under Article 34, paragraph (6) of the Act, it must pay the national treasury the amount of the stable supply support corporation fund prescribed in paragraph (1) of the Article which the competent minister provides as an amount that is deemed not essential for the stable supply support corporation to smoothly implement the operations pertaining to the stable supply support corporation fund, as a payment under paragraph (6) of the Article (hereinafter referred to as the "payment" in this Article) by a date designated by the competent minister.

(2) When the competent minister specifies the amount of the payment pursuant to the provisions of the preceding paragraph, the minister must consult the Minister of Finance in advance.

(3) The payment (excluding the payment prescribed in the following paragraph) belongs to the general account.

(4) The payment related to the specified critical products stated in Article 1, item (ix) is appropriated to the account for supply and demand of energy in the Special Account for Energy Measures.

Chapter II Ensuring the Stable Provision of Specified Essential Infrastructure Services

(Specified Essential Infrastructure Business)

Article 9 The businesses provided by Cabinet Order referred in Article 50, paragraph (1) of the Act are as follows:

(i) among the electricity business provided in Article 2, paragraph (1), item (xvi) of the Electricity Business Act (Act No. 170 of 1964), general electricity transmission and distribution provided in item (viii) of that paragraph, electricity transmission provided in item (x) of that paragraph, electricity

- distribution provided in item (xi)-2 of that paragraph, electricity generation provided in item (xiv) of that paragraph, and specified wholesale supply provided in item (xv)-3 of that paragraph;
- (ii) among the gas business provided in Article 2, paragraph (11) of the Gas Business Act (Act No. 51 of 1954), general gas pipeline service business provided in paragraph (5) of that Article, specified gas pipeline service business provided in paragraph (7) of that Article, and gas manufacturing business provided in paragraph (9) of that Article;
 - (iii) oil refinery provided in Article 2, paragraph (5) of the Oil Stockpiling Act (Act No. 96 of 1975) and petroleum gas import business provided in paragraph (9) of that Article;
 - (iv) water supply service provided in Article 3, paragraph (2) of the Water Supply Act (Act No. 177 of 1957) (excluding simple water supply service provided in paragraph (3) of that Article) and wholesale water supply service provided in paragraph (4) of that Article;
 - (v) Type I railway business provided in Article 2, paragraph (2) of the Railway Business Act (Act No. 92 of 1986);
 - (vi) general motor truck transportation business provided in Article 2, paragraph (2) of the Motor Truck Transportation Business Act (Act No. 83 of 1989);
 - (vii) cargo liner service business provided in Article 2, paragraph (4) and irregular route business, which mainly transports between Japanese ports and ports in regions outside of Japan, provided in Article 2, paragraph (6) of the Marine Transportation Act (Act No. 187 of 1949);
 - (viii) international air transport services business prescribed in Article 2, paragraph (19) and domestic scheduled air transport services business prescribed in Article 2, paragraph (20) of the Aviation Act (Act No. 231 of 1952);
 - (ix) Business to establish and manage airports (meaning airports specified in Article 2 of the Airport Act (Act No. 80 of 1956); hereinafter the same applies in this item) and a public facility, etc. operating project provided in Article 2, paragraph (6) of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999);
 - (x) telecommunications business provided in Article 2, item (iv) of the Telecommunications Business Act (Act No. 86 of 1984) (excluding telecommunication business set forth in the items of Article 164, paragraph (1) of that Act);
 - (xi) broadcasting business that conducts basic terrestrial broadcasting provided in Article 2, item (xv) of the Broadcasting Act (Act No. 132 of 1950);
 - (xii) postal business;
 - (xiii) businesses related to finance stated as follows:

- (a) following businesses that engage in any of the actions listed in any item of Article 2, paragraph (2) of the Banking Act:
 - 1. banking provided in Article 2, paragraph (2) of the Banking Act;
 - 2. businesses engaged in based on the provisions of Article 54, paragraphs (1) and (2) of the Shinkin Bank Act;
 - 3. businesses engaged in based on the provisions of Article 58, paragraph (1) and Article 58-2, paragraph (1) (limited to portions pertaining to items (i) to (iv)) of the Labor Bank Act;
 - 4. businesses engaged in based on the provisions of Article 9-9, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act (limited to portions pertaining to item (i) and item (ii) (limited to portions pertaining to loaning of funds to members) of that paragraph) and paragraph (6) of that Article (limited to portions pertaining to item (i) (limited to portions pertaining to Article 9-8, paragraph (2), items (i), (ii), (iv), and (v) of that Act));
 - 5. businesses engaged in based on the provisions of Article 54, paragraphs (1) and (2) of the Norinchukin Bank Act;
 - 6. funds transfer services provided in Article 2, paragraph (2) of the Payment Services Act (Act No. 59 of 2009);
- (b) insurance business provided in Article 2, paragraph (1) of the Insurance Business Act (Act No. 105 of 1995);
- (c) business to operate a financial instruments exchange market provided in Article 2, paragraph (17), financial instruments obligation assumption services provided in Article 2, paragraph (28), and type-I financial instruments business provided in Article 28, paragraph (1) of the Financial Instruments and Exchange Act (Act No. 25 of 1948);
- (d) trust business provided in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004);
- (e) clearing services for interbank funds transfer provided in Article 2, paragraph (20), and business of issuing prepaid payment instruments for third-party business provided in Article 3, paragraph (5)(excluding items listed in Article 4) of the Payment Services Act;
- (f) business to conduct services provided in Article 34 of the Deposit Insurance Act (Act No. 34 of 1971) and business to conduct services provided in Article 34 of the Agricultural and Fishery Cooperatives Savings Insurance Act (Act No. 53 of 1973);
- (g) the book-entry transfer business provided in Article 3, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001);
- (h) the electronic monetary claims recording business provided in Article 51, paragraph (1) of the Electronically Recorded Monetary Claims Act (Act No.

102 of 2007);

- (xiv) business to conduct intermediation services of comprehensive credit purchases provided in Article 2, paragraph (3) of the Installment Sales Act (Act No. 159 of 1961).

(The Person Provided by Cabinet Order Referred to in Article 52, Paragraph (1) of the Act)

Article 10 (1) The person provided by Cabinet Order referred to in Article 52, paragraph (1) of the Act is as follows:

- (i) a person found to be substantially identical as the specified essential infrastructure service provider that introduces specified critical facilities;
 - (ii) a national government organization;
 - (iii) a local government;
 - (iv) an incorporated administrative agency provided in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999);
 - (v) a local incorporated administrative agency provided in Article 2, paragraph (1) of the Act on Local Incorporated Administrative Agencies (Act No. 118 of 2003) (excluding public university corporations provided in Article 68, paragraph (1) of that Act).
- (2) The person found to be substantially identical as the specified essential infrastructure service provider that introduces specified critical facilities as provided in item (i) of the preceding paragraph refers to a subsidiary corporation, etc. for which the parent corporation, etc. is the relevant specified essential infrastructure service provider.
- (3) The "parent corporation, etc." provided in the preceding paragraph refers to a corporation, etc. specified by order of the competent ministry as a corporation, etc. that controls an organization that decides financial and operational or business policies of another corporation, etc. (meaning a company or partnership, or any other business entity equivalent thereto; hereinafter the same applies in this paragraph) (the relevant organization means a shareholders meeting or any other organization equivalent thereto; hereinafter referred to as a "decision-making body" in this paragraph), and the "subsidiary corporation, etc." provided in the preceding paragraph refers to another corporation, etc. whose decision-making body is controlled by the parent corporation, etc. In this case, when the parent corporation, etc. and the subsidiary corporation, etc. or the subsidiary corporation, etc. control a decision-making body of another corporation, etc., the relevant other corporation, etc. is regarded as a subsidiary corporation, etc. of the parent corporation, etc.

(Method of Notification)

Article 11 A notification under the provisions of Article 52, paragraph (7) of the Act must be made through the procedures specified by order of the competent ministry.

Chapter III Non-Disclosure of Patent Applications

(Inventions for which Relevant Documents Must be Sent to the Prime Minister)

Article 12 (1) The technology field provided by Cabinet Order in accordance with an international patent classification (meaning the international patent classification under the provisions of Article 1 of the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971 (hereinafter referred to as the "Agreement" in this paragraph)) or a classification divided in accordance thereto as referred to in Article 66, paragraph (1) of the Act is as follows:

- (i) the technology field falling under B01D59 among the symbols provided in Article 4 (3) of the Agreement that displays the items of the international patent classification (hereinafter referred to as the "international patent classification symbols" in this paragraph and the following paragraph) that relates to uranium or plutonium;
- (ii) the technology field falling under B63B3/13 among the international patent classification symbols;
- (iii) the technology field falling under B63C7/26 as well as under B63G among the international patent classification symbols;
- (iv) the technology field falling under B63C7/26 as well as under F41 among the international patent classification symbols;
- (v) the technology field falling under B63C11/00 as well as under G05D among the international patent classification symbols;
- (vi) the technology field falling under B63C11/48 as well as under B63G among the international patent classification symbols;
- (vii) the technology field falling under B63C11/48 as well as under F41 among the international patent classification symbols;
- (viii) the technology field falling under B63G as well as under G01S1/72, G01S1/74, G01S1/76, G01S1/78, G01S1/80 or G01S1/82 among the international patent classification symbols;
- (ix) the technology field falling under B63G as well as under G01S3/80, G01S3/801, G01S3/802, G01S3/803, G01S3/805, G01S3/807, G01S3/808, G01S3/809, G01S3/82, G01S3/84 or G01S3/86 among the international patent classification symbols;
- (x) the technology field falling under B63G as well as under G01S5/18, G01S5/20, G01S5/22, G01S5/24, G01S5/26, G01S5/28 or G01S5/30 among the

- international patent classification symbols;
- (xi) the technology field falling under B63G as well as under G01S7/52, G01S7/521, G01S7/523, G01S7/524, G01S7/526, G01S7/527, G01S7/529, G01S7/53, G01S7/531, G01S7/533, G01S7/534, G01S7/536, G01S7/537, G01S7/539, G01S7/54, G01S7/56, G01S7/58, G01S7/60, G01S7/62 or G01S7/64 among the international patent classification symbols;
 - (xii) the technology field falling under B63G as well as under G01S15 among the international patent classification symbols;
 - (xiii) the technology field falling under B63G8/00, B63G8/04, B63G8/06, B63G8/08, B63G8/10, B63G8/12, B63G8/14, B63G8/16, B63G8/18, B63G8/20, B63G8/22, B63G8/24, B63G8/26, B63G8/28, B63G8/30, B63G8/32, B63G8/33, B63G8/34, B63G8/38 or B63G8/39 among the international patent classification symbols;
 - (xiv) the technology field falling under B64 as well as under F41H3/00 among the international patent classification symbols;
 - (xv) the technology field falling under B64C39/02 as well as under F41 among the international patent classification symbols;
 - (xvi) the technology field falling under B64C39/02 as well as under F42 among the international patent classification symbols;
 - (xvii) the technology field falling under B64G1/58, B64G1/62, B64G1/64 or B64G1/68 among the international patent classification symbols;
 - (xviii) the technology field falling under B64G3 among the international patent classification symbols;
 - (xix) the technology field falling under B64U as well as under F41 among the international patent classification symbols;
 - (xx) the technology field falling under B64U as well as under F42 among the international patent classification symbols;
 - (xxi) the technology field falling under C01B5/02 among the international patent classification symbols;
 - (xxii) the technology field falling under C06D7 among the international patent classification symbols;
 - (xxiii) the technology field falling under F02K7/14 among the international patent classification symbols;
 - (xxiv) the technology field falling under F02K9/08, F02K9/10, F02K9/12, F02K9/14, F02K9/16, F02K9/18, F02K9/20, F02K9/22, F02K9/24, F02K9/26, F02K9/28, F02K9/30, F02K9/32, F02K9/34, F02K9/36, F02K9/38 or F02K9/40 among the international patent classification symbols;
 - (xxv) the technology field falling under F41 as well as under G01S1/72, G01S1/74, G01S1/76, G01S1/78, G01S1/80 or G01S1/82 among the international patent classification symbols;
 - (xxvi) the technology field falling under F41 as well as under G01S3/80,

- G01S3/801, G01S3/802, G01S3/803, G01S3/805, G01S3/807, G01S3/808, G01S3/809, G01S3/82, G01S3/84 or G01S3/86 among the international patent classification symbols;
- (xxvii) the technology field falling under F41 as well as under G01S5/18, G01S5/20, G01S5/22, G01S5/24, G01S5/26, G01S5/28 or G01S5/30 among the international patent classification symbols;
- (xxviii) the technology field falling under F41 as well as under G01S7/52, G01S7/521, G01S7/523, G01S7/524, G01S7/526, G01S7/527, G01S7/529, G01S7/53, G01S7/531, G01S7/533, G01S7/534, G01S7/536, G01S7/537, G01S7/539, G01S7/54, G01S7/56, G01S7/58, G01S7/60, G01S7/62 or G01S7/64 among the international patent classification symbols;
- (xxix) the technology field falling under F41 as well as under G01S15 among the international patent classification symbols;
- (xxx) the technology field falling under F41 as well as under G05D among the international patent classification symbols;
- (xxxi) the technology field falling under F41B6 among the international patent classification symbols;
- (xxxii) the technology field falling under F41G7 among the international patent classification symbols;
- (xxxiii) the technology field falling under F41H11/02 among the international patent classification symbols;
- (xxxiv) the technology field falling under F41H13 among the international patent classification symbols;
- (xxxv) the technology field falling under F42 as well as under G05D among the international patent classification symbols;
- (xxxvi) the technology field falling under F42B5/145 among the international patent classification symbols;
- (xxxvii) the technology field falling under F42B10 among the international patent classification symbols;
- (xxxviii) the technology field falling under F42B12/46, F42B12/48, F42B12/50, F42B12/52 or F42B12/54 among the international patent classification symbols;
- (xxxix) the technology field falling under F42B15 among the international patent classification symbols;
- (xl) the technology field falling under G01J1/02, G01J1/04, G01J1/06 or G01J1/08 among the international patent classification symbols that relates to quantum dots or superlattices;
- (xli) the technology field falling under G06F21/86 or G06F21/87 among the international patent classification symbols;
- (xlii) the technology field falling under G21C19/33, G21C19/34, G21C19/36, G21C19/365, G21C19/37, G21C19/375, G21C19/38, G21C19/40, G21C19/42,

- G21C19/44, G21C19/46, G21C19/48 or G21C19/50 among the international patent classification symbols;
- (xliii) the technology field falling under G21J1 among the international patent classification symbols;
- (xliv) the technology field falling under G21J3 among the international patent classification symbols;
- (xlv) the technology field falling under H01L27/14, H01L27/142, H01L27/144, H01L27/146 or H01L27/148 among the international patent classification symbols that relates to quantum dots or superlattices;
- (xlvi) the technology field falling under H01L31/08, H01L31/09, H01L31/10, H01L31/101, H01L31/102, H01L31/103, H01L31/105, H01L31/107, H01L31/108, H01L31/109, H01L31/11, H01L31/111, H01L31/112, H01L31/113, H01L31/115, H01L31/117, H01L31/118 or H01L31/119 among the international patent classification symbols that relates to quantum dots or superlattices;
- (xlvii) the technology field falling under H04K3 among the international patent classification symbols.
- (2) The specified technology field provided by Cabinet Order as a technology field that is found to have a significant impact on the development of industry if a security designation is made as referred to in Article 66, paragraph (1) of the Act is the technology field set forth in item (ii), item (iii), item (v), item (vi), items (viii) to (xii), item (xiii) of the preceding paragraph (excluding the part pertaining to the international patent classification symbols of B63G8/28, B63G8/30, B63G8/32 and B63G8/33), item (xvii), item (xviii), item (xxiii), item (xxiv), item (xl), item (xli), and items (xlv) to (xlvii) of the preceding paragraph (excluding the part falling under the technology field set forth in item (i), item (iv), item (vii), item (xiii) of the preceding paragraph (limited to the part pertaining to the international patent classification symbols of B63G8/28, B63G8/30, B63G8/32 and B63G8/33), items (xiv) to (xvi), items (xix) to (xxii), items (xxv) to (xxxix), and items (xlii) to (xliv) of the preceding paragraph).
- (3) The requirements provided by Cabinet Order referred to in Article 66, paragraph (1) of the Act are inventions falling under any of the following items:
- (i) an invention to be used for the defense of Japan or for military purposes for foreign countries;
- (ii) an invention pertaining to a patent application by the State or a national research and development agency (meaning the national research and development agency provided in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies; hereinafter the same applies in this item and the following item) (excluding a patent application jointly filed with a person other than the State and a national

- research and development agency);
- (iii) an invention associated with the results of technology-related research and development that the State or a national research and development agency has entrusted to another person or of software development that the State or a national research and development agency has outsourced, for which the State or the national research and development agency has decided not to take over the right to the grant of a patent under the provisions of Article 17, paragraph (1) of the Industrial Technology Enhancement Act (Act No. 44 of 2000) (in a case where the national research and development agency has entrusted or outsourced, paragraph (1) of that Article applied *mutatis mutandis* pursuant to paragraph (2) of that Article);
 - (iv) an invention associated with the results of technology-related research and development that the State has entrusted to another person, for which the State has decided to take over only part of the right to the grant of a patent under the provisions of Article 22 (limited to the part pertaining to item (i)) of the Act on Vitalizing the Creation of Science, Technology, and Innovation (Act No. 63 of 2008).

(Period for the Sending to the Prime Minister)

Article 13 The period provided by Cabinet Order referred to in Article 66, paragraph (1) of the Act is to be three months.

(Exception to the Prohibition of Foreign Applications)

Article 14 Foreign applications provided by Cabinet Order referred to in Article 78, paragraph (1) of the Act are the following patent applications:

- (i) in a case where a patent application filed in the United States is to be treated in a similar manner when it describes an invention that has received a security designation (meaning the security designation provided in Article 70, paragraph (2) of the Act) in Japan pursuant to the provisions of Article 3 of the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense, the relevant patent application to be filed in the United States;
- (ii) in a case where Japanese laws concerning secrecy of inventions must not be applied for the purpose of preventing the filing of a patent application in any other partner state under the provisions of 3 of Article 21 of the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, the relevant patent application to be filed in that partner state;

(iii) in a case where Japanese laws concerning secrecy of inventions must not be applied for the purpose of preventing the filing of a patent application in the United States under the provisions of G of Article 9 of the Framework Agreement between the Government of Japan and the Government of the United States of America for Cooperation in the Exploration and Use of Outer Space, the relevant patent application to be filed in the United States.

(Period for the Prohibition of Foreign Applications)

Article 15 The period provided by Cabinet Order referred to in the proviso to Article 78, paragraph (1) of the Act is to be ten months.

(Fee for Prior Confirmation Regarding Prohibition of Foreign Applications)

Article 16 The fee provided by Cabinet Order referred to in Article 79, paragraph (5) of the Act is to be 25,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

(1) This Cabinet Order comes into effect as of the date of promulgation.

Supplementary Provisions [Cabinet Order No. 259 of August 9, 2023]

This Cabinet Order comes into effect as of the date of enforcement of the provisions set forth in Article 1, item (v) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures; provided, however, that the provisions set forth in the following items come into effect as of the day respectively specified therein:

- (i) the part pertaining to the amending provisions in Article 9 that add two Chapters to the main provisions: the date of enforcement of the provisions set forth in Article 1, item (iii) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures;
- (ii) the part pertaining to the amending provisions in Articles 10 and 11 that add two Chapters to the main provisions: the date of enforcement of the provisions set forth in Article 1, item (iv) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures.