

動産及び債権の譲渡の対抗要件に関する民法の特例等 に関する法律

Act on Special Provisions, etc. of the Civil Code Concerning the Perfection Requirements for the Assignment of Movables and Claims

(平成十年六月十二日法律第百四号)

(Act No. 104 of June 12, 1998)

第一章 総則（第一条—第四条）

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第一章 総則

Chapter I General Provisions

(趣旨)

(Purpose)

第一条 この法律は、法人がする動産及び債権の譲渡の対抗要件に関し民法（明治二十九年法律第八十九号）の特例等を定めるものとする。

Article 1 This Act shall provide for special provisions of the Civil Code (Act No. 89 of 1896) and other matters concerning the perfection requirements for the assignment of movables and claims conducted by juridical persons.

(定義)

(Definitions)

第二条 この法律において「登記事項」とは、この法律の規定により登記すべき事項をいう。

Article 2 (1) The term "matters to be registered" as used in this Act means the matters to be registered pursuant to the provisions of this Act.

2 この法律において「延長登記」とは、次条第二項に規定する動産譲渡登記又は第四条第二項に規定する債権譲渡登記若しくは第十四条第一項に規定する質権設定登記の存続期間を延長する登記をいう。

(2) The term "registration of extension" as used in this Act means a registration made to extend the duration of a registration of assignment of movables prescribed in paragraph (2) of the following Article, a registration of assignment of claims prescribed in Article 4, paragraph (2) or a registration of creation of pledge prescribed in Article 14, paragraph (1).

3 この法律において「抹消登記」とは、次条第二項に規定する動産譲渡登記又は第四条第二項に規定する債権譲渡登記若しくは第十四条第一項に規定する質権設定登記を抹消する登記をいう。

(3) The term "registration of cancellation" as used in this Act means a registration made to cancel a registration of assignment of movables prescribed in paragraph (2) of the following Article, a registration of assignment of claims prescribed in Article 4, paragraph (2) or a registration of creation of pledge prescribed in Article 14, paragraph (1)

(動産の譲渡の対抗要件の特例等)

(Special Provisions, etc. for the Perfection Requirements for Assignment of Movables)

第三条 法人が動産（当該動産につき貨物引換証、預証券及び質入証券、倉荷証券又は船荷証券が作成されているものを除く。以下同じ。）を譲渡した場合において、当該動産の譲渡につき動産譲渡登記ファイルに譲渡の登記がされたときは、当該動産について、民法第七十八条の引渡しがあったものとみなす。

Article 3 (1) Where a juridical person has assigned movables (excluding movables for which a land bill of lading, a warehouse certificate and pledge receipt, a warehouse receipt or an ocean bill of lading has been issued; the same shall apply hereinafter), when a registration of assignment is made in a movables assignment registration file with regard to the assignment of the movables, it shall be deemed that the movables have been delivered as set forth in Article 178 of the Civil Code.

2 代理人によって占有されている動産の譲渡につき前項に規定する登記（以下「動産譲渡登記」という。）がされ、その譲受人として登記されている者が当該代理人に対して当該動産の引渡しを請求した場合において、当該代理人が本人に対して当該請求につき異議があれば相当の期間内にこれを述べるべき旨を遅滞なく催告し、本人がその期間内に異議を述べなかつたときは、当該代理人は、その譲受人として登記されている者に当該動産を引き渡し、それによって本人に損害が生じたときであっても、その賠償の責任を負わない。

(2) Where a registration prescribed in the preceding paragraph (hereinafter referred to as a "registration of assignment of movables") has been made with regard to the assignment of movables in the possession of an agent, and the person who is registered as the assignee has requested the agent to deliver the movables, if the agent has notified the principal, without delay, that the principal is required to make an objection, if he/she has any, to such request

for delivery within a reasonable period of time, but the principal has made no objection within such period, the agent shall not be liable to compensate for any damage that may be caused to the principal due to the agent having delivered the movables to the person registered as the assignee.

3 前二項の規定は、当該動産の譲渡に係る第十条第一項第二号に掲げる事由に基づいてされた動産譲渡登記の抹消登記について準用する。この場合において、前項中「譲受人」とあるのは、「譲渡人」と読み替えるものとする。

(3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to a registration of cancellation of a registration of assignment of movables made with regard to the assignment of the movables on the grounds listed in Article 10, paragraph (1), item (ii). In this case, the term "assignee" in the preceding paragraph shall be deemed to be replaced with "assignor."

(債権の譲渡の対抗要件の特例等)

(Special Provisions, etc. for the Perfection Requirements for Assignment of Claims)

第四条 法人が債権（指名債権であって金銭の支払を目的とするものに限る。以下同じ。）を譲渡した場合において、当該債権の譲渡につき債権譲渡登記ファイルに譲渡の登記がされたときは、当該債権の債務者以外の第三者については、民法第四百六十七條の規定による確定日付のある証書による通知があったものとみなす。この場合においては、当該登記の日付をもって確定日付とする。

Article 4 (1) Where a juridical person has assigned a claim (limited to a nominative claim for payment of money; the same shall apply hereinafter), when a registration of assignment is made in a claim assignment registration file with regard to the assignment of the claim, it shall be deemed that notice has been given to all third parties other than the obligor of the claim by an instrument bearing a certified date under the provision of Article 467 of the Civil Code. In this case, the date of the registration shall be the certified date.

2 前項に規定する登記（以下「債権譲渡登記」という。）がされた場合において、当該債権の譲渡及びその譲渡につき債権譲渡登記がされたことについて、譲渡人若しくは譲受人が当該債権の債務者に第十一条第二項に規定する登記事項証明書を交付して通知をし、又は当該債務者が承諾をしたときは、当該債務者についても、前項と同様とする。

(2) Where a registration prescribed in the preceding paragraph (hereinafter referred to as a "registration of assignment of claims") has been made, if the assignor or the assignee has delivered a certificate of registered matters prescribed in Article 11, paragraph (2) to the obligor of the claim, thereby giving notice of the assignment of the claim and of the completion of a registration of assignment of claims with regard to such assignment, or the obligor has acknowledged the assignment and the completion of the registration, the preceding paragraph shall also apply to the obligor.

3 前項の場合においては、民法第四百六十八条第二項の規定は、前項に規定する通知がされたときに限り適用する。この場合においては、当該債権の債務者は、同項に規定する通知を受けるまでに譲渡人に対して生じた事由を譲受人に対抗することができる。

(3) In the case referred to in the preceding paragraph, the provision of Article 468, paragraph (2) of the Civil Code shall apply only when notice is given as prescribed in the preceding paragraph. In this case, the obligor of the claim may assert vis-a-vis the assignee, any grounds that could be a defense against the assignor that have arisen before the obligor receives notice as prescribed in said paragraph.

4 前三項の規定は、当該債権の譲渡に係る第十条第一項第二号に掲げる事由に基づいてされた債権譲渡登記の抹消登記について準用する。この場合において、前項中「譲渡人」とあるのは「譲受人」と、「譲受人」とあるのは「譲渡人」と読み替えるものとする。

(4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to a registration of cancellation of a registration of assignment of claims made with regard to the assignment of the claim on the grounds listed in Article 10, paragraph (1), item (ii). In this case, in the preceding paragraph, the term "assignor" shall be deemed to be replaced with "assignee," and the term "assignee" shall be deemed to be replaced with "assignor."

第二章 動産譲渡登記及び債権譲渡登記等

Chapter II Registration of Assignment of Movable and Registration of Assignment of Claims, etc.

(登記所)

(Registry Office)

第五条 動産譲渡登記及び債権譲渡登記に関する事務のうち、第七条から第十一条まで及び第十二条第二項に規定する事務は、法務大臣の指定する法務局若しくは地方法務局若しくはこれらの支局又はこれらの出張所（以下「指定法務局等」という。）が、登記所としてつかさどる。

Article 5 (1) Among the affairs concerning a registration of assignment of movables and a registration of assignment of claims, those prescribed in Article 7 to Article 11, and Article 12, paragraph (2) shall be administered by a Legal Affairs Bureau or District Legal Affairs Bureau or a branch bureau thereof or a branch office of any of those bureaus, which is designated by the Minister of Justice (hereinafter referred to as a "designated Legal Affairs Bureau, etc."), as a registry office.

2 動産譲渡登記及び債権譲渡登記に関する事務のうち、第十二条第一項及び第三項並びに第十三条第一項に規定する事務は、譲渡人の本店又は主たる事務所（本店又は主たる事務所が外国にあるときは、日本における営業所（外国会社の登記をした外国会

社であって日本に営業所を設けていないものにあつては、日本における代表者の住所。第七条第二項第三号において同じ。)又は事務所)の所在地を管轄する法務局若しくは地方法務局若しくはこれらの支局又はこれらの出張所(以下「本店等所在地法務局等」という。)が、登記所としてつかさどる。

(2) Among the affairs concerning a registration of assignment of movables and a registration of assignment of claims, those prescribed in Article 12, paragraph (1) and paragraph (3), and Article 13, paragraph (1) shall be administered by the Legal Affairs Bureau or District Legal Affairs Bureau or the branch bureau thereof or the branch office of any of those bureaus that has jurisdiction over the location of the head office or principal office of the assignor (if the assignor's head office or principal office is located in a foreign country, its business office located in Japan (in the case of a foreign company that is registered as a foreign company and has no business office in Japan, the address of its representative in Japan; the same shall apply in Article 7, paragraph (2), item (iii)) or its other office located in Japan) (hereinafter referred to as the "Legal Affairs Bureau, etc. with Jurisdiction over the Location of the Head Office, etc."), as a registry office.

3 第一項の指定は、告示してしなければならない。

(3) The designation under the provision of paragraph (1) shall be made by public notice.

(登記官)

(Registrar)

第六条 登記所における動産譲渡登記及び債権譲渡登記に関する事務のうち、次の各号に掲げる事務は、それぞれ当該各号に定める法務事務官であつて法務局又は地方法務局長が指定した者が、登記官として取り扱う。

Article 6 Among the affairs concerning a registration of assignment of movables and a registration of assignment of claims to be administered at a registry office, those listed in the following items shall be handled by the official of the Ministry of Justice specified in the respective items and designated by the Director of the Legal Affairs Bureau or District Legal Affairs Bureau, as a registrar:

一 次条から第十一条まで及び第十二条第二項に規定する事務 指定法務局等に勤務する法務事務官

(i) the affairs prescribed in the following Article to Article 11, and Article 12, paragraph (2): an official of the Ministry of Justice who works at the designated Legal Affairs Bureau, etc.; and

二 第十二条第一項及び第三項並びに第十三条第一項に規定する事務 本店等所在地法務局等に勤務する法務事務官

(ii) the affairs prescribed in Article 12, paragraph (1) and paragraph (3), and Article 13, paragraph (1): an official of the Ministry of Justice who works at

the Legal Affairs Bureau, etc. with Jurisdiction over the Location of the Head Office, etc.

(動産譲渡登記)

(Registration of Assignment of Movables)

第七条 指定法務局等に、磁気ディスク（これに準ずる方法により一定の事項を確実に記録することができる物を含む。次条第一項及び第十二条第一項において同じ。）をもって調製する動産譲渡登記ファイルを備える。

Article 7 (1) A designated Legal Affairs Bureau, etc. shall keep movables assignment registration files, which are prepared by means of a magnetic disk (including an object that can record certain matters securely by equivalent means; the same shall apply in paragraph (1) of the following Article and Article 12, paragraph (1)).

2 動産譲渡登記は、譲渡人及び譲受人の申請により、動産譲渡登記ファイルに、次に掲げる事項を記録することによって行う。

(2) A registration of assignment of movables shall be made, upon an application of the assignor and the assignee, by recording the following matters in a movables assignment registration file:

一 譲渡人の商号又は名称及び本店又は主たる事務所

(i) the trade name or other name of the assignor and its head office or principal office;

二 譲受人の氏名及び住所（法人にあっては、商号又は名称及び本店又は主たる事務所）

(ii) the name and address of the assignee (in the case of a juridical person, its trade name or other name and its head office or principal office);

三 譲渡人又は譲受人の本店又は主たる事務所が外国にあるときは、日本における営業所又は事務所

(iii) if the head office or principal office of the assignor or the assignee is located in a foreign country, its business office or other office located in Japan;

四 動産譲渡登記の登記原因及びその日付

(iv) the cause of registration regarding the registration of assignment of movables and the date thereof;

五 譲渡に係る動産を特定するために必要な事項で法務省令で定めるもの

(v) the matters necessary for identifying the assigned movables, which are specified by Ordinance of the Ministry of Justice;

六 動産譲渡登記の存続期間

(vi) the duration of the registration of assignment of movables;

七 登記番号

(vii) the registration number; and

八 登記の年月日

(viii) the date of registration.

3 前項第六号の存続期間は、十年を超えることができない。ただし、十年を超えて存続期間を定めるべき特別の事由がある場合は、この限りでない。

(3) The duration set forth in item (vi) of the preceding paragraph may not exceed ten years; provided, however, that this shall not apply where there are special grounds for setting the duration exceeding ten years.

4 動産譲渡登記（以下この項において「旧登記」という。）がされた譲渡に係る動産につき譲受人が更に譲渡をし、旧登記の存続期間の満了前に動産譲渡登記（以下この項において「新登記」という。）がされた場合において、新登記の存続期間が満了する日が旧登記の存続期間が満了する日の後に到来するときは、当該動産については、旧登記の存続期間は、新登記の存続期間が満了する日まで延長されたものとみなす。

(4) Where the assignee of the assigned movables for which a registration of assignment of movables was made (hereinafter referred to as the "former registration" in this paragraph), has further assigned said movables, and a registration of assignment of movables has further been made with regard to said movables (hereinafter referred to as the "new registration" in this paragraph) prior to the expiration of the duration of the former registration, if the date of expiration of the duration of the new registration comes after the date of expiration of the duration of the former registration, the duration of the former registration with regard to said movables shall be deemed to have been extended until the date of expiration of the duration of the new registration.

5 動産譲渡登記がされた譲渡に係る動産につき譲受人が更に譲渡をし、当該動産譲渡登記の存続期間の満了前に民法第百七十八条の引渡しが行われた場合（第三条第一項の規定により同法第百七十八条の引渡しがあったものとみなされる場合を除く。）には、当該動産については、当該動産譲渡登記の存続期間は、無期限とみなす。

(5) Where the assignee has further assigned the assigned movables, for which a registration of assignment of movables was made, and said movables have been delivered as set forth in Article 178 of the Civil Code (excluding cases where the movables shall be deemed, pursuant to the provision of Article 3, paragraph (1), to have been delivered as set forth in Article 178 of said Code) prior to the expiration of the duration of the registration of assignment of movables, the duration of the registration of assignment of movables with regard to said movables shall be deemed to be indefinite.

（債権譲渡登記）

(Registration of Assignment of Claims)

第八条 指定法務局等に、磁気ディスクをもって調製する債権譲渡登記ファイルを備える。

Article 8 (1) A designated Legal Affairs Bureau, etc. shall keep claim assignment registration files, which are prepared by means of a magnetic disk.

2 債権譲渡登記は、譲渡人及び譲受人の申請により、債権譲渡登記ファイルに、次に

掲げる事項を記録することによって行う。

(2) A registration of assignment of claims shall be made, upon an application of the assignor and the assignee, by recording the following matters in a claim assignment registration file:

一 前条第二項第一号から第三号まで、第七号及び第八号に掲げる事項

(i) the matters listed in paragraph (2), item (i) to item (iii), item (vii) and item (viii) of the preceding Article;

二 債権譲渡登記の登記原因及びその日付

(ii) the cause of registration regarding the registration of assignment of claims and the date thereof;

三 譲渡に係る債権（既に発生した債権のみを譲渡する場合に限る。第十条第三項第三号において同じ。）の総額

(iii) the total amount of the assigned claims (limited to the case of assigning claims already arisen; the same shall apply in Article 10, paragraph (3), item (iii));

四 譲渡に係る債権を特定するために必要な事項で法務省令で定めるもの

(iv) matters necessary for identifying the assigned claims, which are specified by Ordinance of the Ministry of Justice; and

五 債権譲渡登記の存続期間

(v) the duration of the registration of assignment of claims.

3 前項第五号の存続期間は、次の各号に掲げる区分に応じ、それぞれ当該各号に定める期間を超えることができない。ただし、当該期間を超えて存続期間を定めるべき特別の事由がある場合は、この限りでない。

(3) The duration set forth in item (v) of the preceding paragraph may not exceed the period of time specified in each of the following items according to the categories listed in the respective items; provided, however, that this shall not apply where there are special grounds for setting the duration exceeding said period:

一 譲渡に係る債権の債務者のすべてが特定している場合 五十年

(i) where all obligors of the assigned claims are identified: 50 years; or

二 前号に掲げる場合以外の場合 十年

(ii) cases other than the one referred to in the preceding item: 10 years.

4 債権譲渡登記（以下この項において「旧登記」という。）がされた譲渡に係る債権につき譲受人が更に譲渡をし、旧登記の存続期間の満了前に債権譲渡登記（以下この項において「新登記」という。）がされた場合において、新登記の存続期間が満了する日が旧登記の存続期間が満了する日の後に到来するときは、当該債権については、旧登記の存続期間は、新登記の存続期間が満了する日まで延長されたものとみなす。

(4) Where the assignee of the assigned claims, for which a registration of assignment of claims was made (hereinafter referred to as the "former registration" in this paragraph), has further assigned said claims, and a registration of assignment of claims has further been made with regard to said

claims (hereinafter referred to as the "new registration" in this paragraph) prior to the expiration of the duration of the former registration, if the date of expiration of the duration of the new registration will come after the date of expiration of the duration of the former registration, the duration of the former registration with regard to said claims shall be deemed to have been extended until the date of expiration of the duration of the new registration.

5 債権譲渡登記がされた譲渡に係る債権につき譲受人が更に譲渡をし、当該債権譲渡登記の存続期間の満了前に民法第四百六十七条の規定による通知又は承諾がされた場合（第四条第一項の規定により同法第四百六十七条の規定による通知があったものとみなされる場合を除く。）には、当該債権については、当該債権譲渡登記の存続期間は、無期限とみなす。

(5) Where the assignee has further assigned the assigned claims, for which a registration of assignment of claims was made, and notice or acknowledgment has been given as set forth in Article 467 of the Civil Code (excluding cases where it shall be deemed, pursuant to Article 4, paragraph (1), that notice has been given under the provision of Article 467 of said Code) prior to the expiration of the duration of the registration of assignment of claims, the duration of the registration of assignment of claims with regard to said claim shall be deemed indefinite.

(延長登記)

(Registration of Extension)

第九条 譲渡人及び譲受人は、動産譲渡登記又は債権譲渡登記に係る延長登記を申請することができる。ただし、当該動産譲渡登記又は債権譲渡登記の存続期間の延長により第七条第三項又は前条第三項の規定に反することとなるときは、この限りでない。

Article 9 (1) The assignor and the assignee may file an application for a registration of extension pertaining to a registration of assignment of movables or registration of assignment of claims; provided, however, that this shall not apply if an extension of the duration of the registration of assignment of movables or registration of assignment of claims is in violation of the provisions of Article 7, paragraph (3) or of paragraph (3) of the preceding Article.

2 前項の規定による延長登記は、当該動産譲渡登記に係る動産譲渡登記ファイル又は当該債権譲渡登記に係る債権譲渡登記ファイルの記録に、次に掲げる事項を記録することによって行う。

(2) A registration of extension under the provision of the preceding paragraph shall be made by recording the following matters in the records of the movables assignment registration file pertaining to the registration of assignment of movables or the claim assignment registration file pertaining to the registration of assignment of claims:

一 当該動産譲渡登記又は債権譲渡登記の存続期間を延長する旨

(i) a statement to the effect that the duration of the registration of assignment of movables or the registration of assignment of claims is extended;

二 延長後の存続期間

(ii) the length of the extended duration;

三 登記番号

(iii) the registration number; and

四 登記の年月日

(iv) the date of registration.

(抹消登記)

(Registration of Cancellation)

第十条 譲渡人及び譲受人は、次に掲げる事由があるときは、動産譲渡登記又は債権譲渡登記に係る抹消登記を申請することができる。

Article 10 (1) When any of the following grounds exist, the assignor and the assignee may file an application for a registration of cancellation pertaining to a registration of assignment of movables or registration of assignment of claims:

一 動産の譲渡又は債権の譲渡が効力を生じないこと。

(i) the assignment of the movables or the assignment of the claims never becomes effective;

二 動産の譲渡又は債権の譲渡が取消し、解除その他の原因により効力を失ったこと。

(ii) the assignment of the movables or the assignment of the claims has ceased to be effective due to rescission, cancellation or any other reasons; or

三 譲渡に係る動産又は譲渡に係る債権が消滅したこと。

(iii) the assigned movables or the assigned claim has ceased to exist.

2 前項の規定による抹消登記は、当該動産譲渡登記に係る動産譲渡登記ファイル又は当該債権譲渡登記に係る債権譲渡登記ファイルの記録に、次に掲げる事項を記録することによって行う。

(2) A registration of cancellation under the provision of the preceding paragraph shall be made by recording the following matters in the records of the movables assignment registration file pertaining to the registration of assignment of movables or the claim assignment registration file pertaining to the registration of assignment of claims:

一 当該動産譲渡登記又は債権譲渡登記を抹消する旨

(i) a statement to the effect that the registration of assignment of movables or the registration of assignment of claims is cancelled;

二 抹消登記の登記原因及びその日付

(ii) the cause of registration regarding the registration of cancellation and the date thereof;

三 登記番号

(iii) the registration number; and

四 登記の年月日

(iv) the date of registration.

3 譲渡に係る動産又は譲渡に係る債権が数個記録されている動産譲渡登記又は債権譲渡登記について、その一部の動産又は債権に係る部分につき抹消登記をするときは、前項第二号から第四号までに掲げる事項のほか、次に掲げる事項をも記録しなければならない。

(3) In the case of a registration of assignment of movables or registration of assignment of claims in which two or more movables or two or more claims are recorded, when making a registration of cancellation with regard to a part of such movables or the claims, the following matters shall also be recorded in addition to the matters listed in item (ii) to item (iv) of the preceding paragraph:

一 当該動産譲渡登記又は債権譲渡登記の一部を抹消する旨

(i) a statement to the effect that the registration of assignment of movables or of the registration of assignment of claims is partially cancelled;

二 抹消登記に係る動産又は債権を特定するために必要な事項で法務省令で定めるもの

(ii) the matters necessary for identifying the movables or claims pertaining to the registration of cancellation, which are specified by Ordinance of the Ministry of Justice; and

三 抹消後の譲渡に係る債権の総額

(iii) the total amount of the assigned claims after cancellation.

(登記事項概要証明書等の交付)

(Issuance of Certificate of Summary of Registered Matters, etc.)

第十一条 何人も、指定法務局等の登記官に対し、動産譲渡登記ファイル又は債権譲渡登記ファイルに記録されている登記事項の概要（動産譲渡登記ファイル又は債権譲渡登記ファイルに記録されている事項のうち、第七条第二項第五号、第八条第二項第四号及び前条第三項第二号に掲げる事項を除いたものをいう。次条第二項及び第三項において同じ。）を証明した書面（第二十一条第一項において「登記事項概要証明書」という。）の交付を請求することができる。

Article 11 (1) Any person may make a request to a registrar of a designated Legal Affairs Bureau, etc. for the issuance of a document certifying the summary of the registered matters recorded in a movables assignment registration file or claim assignment registration file (meaning the matters recorded in a movables assignment registration file or a claim assignment registration file, except for those listed in Article 7, paragraph (2), item (v), Article 8, paragraph (2), item (iv), and paragraph (3), item (ii) of the preceding Article; the same shall apply in paragraph (2) and paragraph (3) of the following Article) (such document shall hereinafter be referred to as a "Certificate of Summary of Registered Matters" in Article 21, paragraph (1)).

2 次に掲げる者は、指定法務局等の登記官に対し、動産の譲渡又は債権の譲渡について、動産譲渡登記ファイル又は債権譲渡登記ファイルに記録されている事項を証明した書面（第二十一条第一項において「登記事項証明書」という。）の交付を請求することができる。

(2) The following persons may make a request to a registrar of a designated Legal Affairs Bureau, etc. for the issuance of a document certifying the matters recorded in a movables assignment registration file or claim assignment registration file (referred to as a "Certificate of Registered Matters" in Article 21, paragraph (1)) with regard to the assignment of movables or the assignment of a claim:

一 譲渡に係る動産又は譲渡に係る債権の譲渡人又は譲受人

(i) the assignor or the assignee of the assigned movables or the assigned claims;

二 譲渡に係る動産を差し押さえた債権者その他の当該動産の譲渡につき利害関係を有する者として政令で定めるもの

(ii) the obligee who has attached the assigned movables and any other person specified by Cabinet Order as having interest in the assignment of the movables;

三 譲渡に係る債権の債務者その他の当該債権の譲渡につき利害関係を有する者として政令で定めるもの

(iii) the obligor of the assigned claim and any other person specified by Cabinet Order as having interest in the assignment of the claims; and

四 譲渡に係る動産又は譲渡に係る債権の譲渡人の使用人

(iv) an employee of the obligor of the assigned movables or the assigned claims.

(登記事項概要ファイルへの記録等)

(Recording in Registered Matters Summary File, etc.)

第十二条 本店等所在地法務局等に、磁気ディスクをもって調製する動産譲渡登記事項概要ファイル及び債権譲渡登記事項概要ファイルを備える。

Article 12 (1) A Legal Affairs Bureau, etc. with Jurisdiction over the Location of the Head Office, etc. shall keep files of summary of registered matters of assignment of movables and files of summary of registered matters of assignment of claims, which are prepared by means of a magnetic disk.

2 動産譲渡登記若しくは債権譲渡登記又は抹消登記をした登記官は、本店等所在地法務局等に対し、当該登記をした旨その他当該登記に係る登記事項の概要のうち法務省令で定めるものを通知しなければならない。

(2) A registrar who has made a registration of assignment of movables or registration of assignment of claims or a registration of cancellation shall give notice to the Legal Affairs Bureau, etc. with Jurisdiction over the Location of the Head Office, etc., of the fact that said registration has been made and the information specified by Ordinance of the Ministry of Justice contained in the

summary of the registered matters pertaining to said registration.

- 3 前項の規定による通知を受けた本店等所在地法務局等の登記官は、遅滞なく、通知を受けた登記事項の概要のうち法務省令で定めるものを譲渡人の動産譲渡登記事項概要ファイル又は債権譲渡登記事項概要ファイル（次条第一項及び第十八条において「登記事項概要ファイル」と総称する。）に記録しなければならない。

(3) A registrar of the Legal Affairs Bureau, etc. with Jurisdiction over the Location of the Head Office, etc. who has received the notice under the provision of the preceding paragraph shall, without delay, record the information specified by Ordinance of the Ministry of Justice contained in the summary of the registered matters, of which the notice has been given, in the assignor's file of summary of registered matters of assignment of movables or file of summary of registered matters of assignment of claims (collectively referred to as "registered matters summary file" in paragraph (1) of the following Article, and Article 18).

（概要記録事項証明書の交付）

(Issuance of Certificate of Matters Recorded in Summary)

第十三条 何人も、本店等所在地法務局等の登記官に対し、登記事項概要ファイルに記録されている事項を証明した書面（第二十一条第一項において「概要記録事項証明書」という。）の交付を請求することができる。

Article 13 (1) Any person may make a request to a registrar of a Legal Affairs Bureau, etc. with Jurisdiction over the Head Office, etc. for the issuance of a document certifying the matters recorded in a registered matters summary file (referred to as a "Certificate of Matters Recorded in Summary" in Article 21, paragraph (1)).

- 2 前項の交付の請求は、法務省令で定める場合を除き、本店等所在地法務局等以外の法務局若しくは地方法務局若しくはこれらの支局又はこれらの出張所の登記官に対してもすることができる。

(2) A request for issuance set forth in the preceding paragraph may be made, except in cases specified by Ordinance of the Ministry of Justice, to a registrar of a Legal Affairs Bureau or District Legal Affairs Bureau or a branch bureau thereof or a branch office of any of those bureaus, other than a Legal Affairs Bureau, etc. with Jurisdiction over the Head Office, etc.

（債権質への準用）

(Application Mutatis Mutandis to Pledge on Claim)

第十四条 第四条及び第八条の規定並びに第五条、第六条及び第九条から前条までの規定中債権の譲渡に係る部分は、法人が債権を目的として質権を設定した場合において、当該質権の設定につき債権譲渡登記ファイルに記録された質権の設定の登記（以下「質権設定登記」という。）について準用する。この場合において、第四条の見出し並びに同条第一項、第二項及び第四項並びに第十条第一項第一号及び第二号中「債権

の譲渡」とあるのは「質権の設定」と、第四条第一項中「譲渡の登記」とあるのは「質権の設定の登記」と、同項から同条第三項までの規定中「債権の債務者」とあるのは「質権の目的とされた債権の債務者」と、同条第一項及び第八条第五項中「民法第四百六十七条」とあるのは「民法第三百六十四条の規定によりその規定に従うこととされる同法第四百六十七条」と、第四条第二項及び第四項、第五条第一項及び第二項、第六条、第八条の見出し並びに同条第四項及び第五項、第九条第一項、第十条第一項及び第三項並びに第十二条第二項中「債権譲渡登記」とあるのは「質権設定登記」と、第四条第二項中「その譲渡」とあるのは「その質権の設定」と、同項から同条第四項まで、第五条第二項、第八条第二項、第九条第一項、第十条第一項、第十一条第二項第一号及び第四号並びに第十二条第三項中「譲渡人」とあるのは「質権設定者」と、第四条第二項から第四項まで、第八条第二項、第四項及び第五項、第九条第一項、第十条第一項並びに第十一条第二項第一号中「譲受人」とあるのは「質権者」と、第五条第一項中「第七条から第十一条まで及び第十二条第二項」とあり、第六条第一号中「次条から第十一条まで及び第十二条第二項」とあるのは「第十四条において準用する第八条から第十一条まで及び第十二条第二項の規定」と、第五条第二項及び第六条第二号中「第十二条第一項及び第三項並びに第十三条第一項」とあるのは「第十四条第一項において準用する第十二条第一項及び第三項並びに第十三条第一項の規定」と、第八条第二項中「債権譲渡登記は」とあるのは「質権設定登記は」と、同項第二号及び第五号並びに第九条第二項第一号中「債権譲渡登記の」とあるのは「質権設定登記の」と、第八条第二項第二号中「登記原因及びその日付」とあるのは「登記原因及びその日付並びに被担保債権の額又は価格」と、同項第三号及び第四号、同条第三項第一号、第四項及び第五項、第十条第一項第三号及び第三項並びに第十一条第二項第一号、第三号及び第四号中「譲渡に係る債権」とあるのは「質権の目的とされた債権」と、第八条第二項第三号中「譲渡する」とあるのは「目的として質権を設定する」と、同条第四項及び第五項中「譲渡をし」とあるのは「質権を設定し」と、同項中「同法第四百六十七条」とあるのは「同法第三百六十四条の規定によりその規定に従うこととされる同法第四百六十七条」と、第九条第二項及び第十条第二項中「債権譲渡登記に」とあるのは「質権設定登記に」と、同項第一号中「債権譲渡登記を」とあるのは「質権設定登記を」と、第十一条第二項中「債権の譲渡に」とあるのは「質権の設定に」と読み替えるものとする。

Article 14 (1) The provisions of Article 4 and Article 8, and such parts of the provisions of Article 5, Article 6, and Article 9 to the preceding Article that pertain to the assignment of a claim, shall apply, in case where a juridical person has created a pledge on a claims, to a registration of creation of pledge recorded in a claim assignment registration file with regard to the creation of said pledge (hereinafter referred to as a "Registration of Creation of Pledge"). In this case: in the title of Article 4 and paragraph (1), paragraph (2) and paragraph (4) of said Article, and Article 10, paragraph (1), item (i) and item (ii), the phrase "assignment of (a/the) claim" shall be deemed to be replaced with "creation of (a/the) pledge"; in Article 4, paragraph (1), the phrase "registration of assignment" shall be deemed to be replaced with "Registration

of Creation of Pledge"; in the provisions of Article 4, paragraph (1) to paragraph (3), the phrase "obligor of the claim" shall be deemed to be replaced with "obligor of the claim on which the pledge is created"; in Article 4, paragraph (1) and Article 8, paragraph (5), the term "Article 467 of the Civil Code" shall be deemed to be replaced with "Article 467 of the Civil Code, which shall govern pursuant to the provision of Article 364 of said Code"; in Article 4, paragraph (2) and paragraph (4), Article 5, paragraph (1) and paragraph (2), Article 6, the title of Article 8 and paragraph (4) and paragraph (5) of said Article, Article 9, paragraph (1), Article 10, paragraph (1) and paragraph (3), and Article 12, paragraph (2), the phrase "registration of assignment of claims" shall be deemed to be replaced with "Registration of Creation of Pledge"; in Article 4, paragraph (2), the phrase "such assignment" shall be deemed to be replaced with "such creation of pledge"; in Article 4, paragraph (2) to paragraph (4), Article 5, paragraph (2), Article 8, paragraph (2), Article 9, paragraph (1), Article 10, paragraph (1), Article 11, paragraph (2), item (i) and item (iv), and Article 12, paragraph (3), the term "assignor" shall be deemed to be replaced with "pledgor"; in Article 4, paragraph (2) to paragraph (4), Article 8, paragraph (2), paragraph (4) and paragraph (5), Article 9, paragraph (1), Article 10, paragraph (1), and Article 11, paragraph (2), item (i), the term "assignee" shall be deemed to be replaced with "pledgee"; the phrase "Article 7 to Article 11, and Article 12, paragraph (2)" in Article 5, paragraph (1), and the phrase "the following Article to Article 11, and Article 12, paragraph (2)" in Article 6, item (i) shall be deemed to be replaced with "the provisions of Article 8 to Article 11, and Article 12, paragraph (2), which are applied mutatis mutandis pursuant to Article 14"; in Article 5, paragraph (2) and Article 6, item (ii), the phrase "Article 12, paragraph (1) and paragraph (3), and Article 13, paragraph (1)" shall be deemed to be replaced with "Article 12, paragraph (1) and paragraph (3), and Article 13, paragraph (1), which are applied mutatis mutandis pursuant to Article 14, paragraph (1)"; in Article 8, paragraph (2), the phrase "registration of assignment of claims" shall be deemed to be replaced with "Registration of Creation of Pledge"; in Article 8, paragraph (2), item (ii) and item (v) and Article 9, paragraph (2), item (i), the phrase "registration regarding the registration of assignment of claims" shall be deemed to be replaced with "registration regarding the Registration of Creation of Pledge"; in Article 8, paragraph (2), item (ii), the phrase "the cause of registration regarding the registration of assignment of claims and the date thereof" shall be deemed to be replaced with "the cause of registration regarding the Registration of Creation of Pledge and the date thereof, and the amount or value of the claim secured"; in Article 8, paragraph (2), item (iii) and item (iv), Article 8, paragraph (3), item (i), paragraph (4) and paragraph (5), Article 10, paragraph (1), item (iii) and paragraph (3), and Article 11,

paragraph (2), item (i), item (iii) and item (iv), the term "assigned claim" shall be deemed to be replaced with "claim on which the pledge is created"; in Article 8, paragraph (2), item (iii), the phrase "assigning a claim" shall be deemed to be replaced with "creating a pledge on a claim"; in Article 8, paragraph (4) and paragraph (5), the phrase "further assigned" shall be deemed to be replaced with "further created a pledge on"; in Article 8, paragraph (5), the phrase "Article 467 of the Civil Code" shall be deemed to be replaced with "Article 467 of the Civil Code, which shall govern pursuant to the provision of Article 364 of said Code"; in Article 9, paragraph (2) and Article 10, paragraph (2), the phrase "pertaining to the registration of assignment of claims" shall be deemed to be replaced with "pertaining to the Registration of Creation of Pledge"; in Article 10, paragraph (2), item (i), the phrase "registration of assignment of claims" shall be deemed to be replaced with "Registration of Creation of Pledge"; and in Article 11, paragraph (2), the phrase "assignment of a claim" shall be deemed to be replaced with "creation of a pledge."

2 第八条第四項の規定は、債権譲渡登記がされた譲渡に係る債権を目的として譲受人が質権を設定し、当該債権譲渡登記の存続期間の満了前に質権設定登記がされた場合における当該債権譲渡登記の存続期間について、同条第五項の規定は、債権譲渡登記がされた譲渡に係る債権を目的として譲受人が質権を設定し、当該債権譲渡登記の存続期間の満了前に民法第三百六十四条の規定によりその規定に従うこととされる同法第四百六十七条の規定による通知又は承諾がされた場合（前項において準用する第四条第一項の規定により同法第四百六十七条の規定による通知があったものとみなされる場合を除く。）における当該債権譲渡登記の存続期間について準用する。

(2) The provision of Article 8, paragraph (4) shall apply mutatis mutandis to the duration of a registration of assignment of claims in cases where the assignee has created a pledge on the assigned claim for which the registration of assignment of claims was made, and a Registration of Creation of Pledge has been made with regard to said pledge prior to the expiration of the duration of the registration of assignment of claims; the provision of Article 8, paragraph (5) shall apply mutatis mutandis to the duration of a registration of assignment of claims in cases where the assignee has created a pledge on the assigned claim for which the registration of assignment of claims was made, and notice or acknowledgment has been given as set forth in Article 467 of the Civil Code, which shall govern pursuant to the provision of Article 364 of said Code (excluding cases where it shall be deemed, pursuant to Article 4, paragraph (1), that notice has been given under the provision of Article 467 of said Code) prior to the expiration of the duration of the registration of assignment of claims.

第三章 補則

Chapter III Auxiliary Provisions

(破産法等の適用除外)

(Exclusion from Application of the Bankruptcy Act, etc.)

第十五条 動産譲渡登記がされている譲渡に係る動産並びに債権譲渡登記がされている譲渡に係る債権及び質権設定登記がされている質権については、破産法（平成十六年法律第七十五号）第二百五十八条第一項第二号及び同条第二項において準用する同号（これらの規定を同条第四項において準用する場合を含む。）並びに外国倒産処理手続の承認援助に関する法律（平成十二年法律第百二十九号）第十条第一項（同条第二項において準用する場合を含む。）の規定は、適用しない。

Article 15 (1) The provisions of Article 258, paragraph (1), item (ii), and paragraph (2) of the Bankruptcy Act (Act No. 75 of 2004) as applied directly or applied mutatis mutandis pursuant to paragraph (2) of said Article (including cases where these provisions are applied mutatis mutandis pursuant to paragraph (4) of said Article), and the provision of Article 10, paragraph (1) of the Act on Recognition and Assistance of Foreign Insolvency Proceedings (Act No. 129 of 2000) (including cases where applied mutatis mutandis pursuant to paragraph (2) of said Article) shall apply neither to assigned movables for which a registration of assignment of movables has been made, an assigned claim for which a registration of assignment of claims has been made, nor to a pledge for which a Registration of Creation of Pledge has been made.

2 前項に規定する質権によって担保される債権については、民事執行法（昭和五十四年法律第四号）第百六十四条第一項の規定は、適用しない。

(2) The provision of Article 164, paragraph (1) of the Civil Execution Act (Act No. 4 of 1979) shall not apply to a claim secured by a pledge prescribed in the preceding paragraph.

(行政手続法の適用除外)

(Exclusion from Application of the Administrative Procedure Act)

第十六条 登記官の処分については、行政手続法（平成五年法律第八十八号）第二章及び第三章の規定は、適用しない。

Article 16 The provisions of Chapter II and Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to a disposition made by a registrar.

(行政機関の保有する情報の公開に関する法律の適用除外)

(Exclusion from Application of the Act on Access to Information Held by Administrative Organs)

第十七条 動産譲渡登記ファイル及び債権譲渡登記ファイル並びに動産譲渡登記事項概要ファイル及び債権譲渡登記事項概要ファイルについては、行政機関の保有する情報の公開に関する法律（平成十一年法律第四十二号）の規定は、適用しない。

Article 17 The provisions of the Act on Access to Information Held by

Administrative Organs (Act No. 42 of 1999) shall apply neither to a movables assignment registration file, a claim assignment registration file, a file of summary of registered matters of assignment of movables nor to a file of summary of registered matters of assignment of claims.

(行政機関の保有する個人情報保護に関する法律の適用除外)

(Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs)

第十八条 動産譲渡登記ファイル若しくは債権譲渡登記ファイル又は登記事項概要ファイルに記録されている保有個人情報（行政機関の保有する個人情報保護に関する法律（平成十五年法律第五十八号）第二条第三項に規定する保有個人情報をいう。）については、同法第四章の規定は、適用しない。

Article 18 The provisions of Chapter IV of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) shall not apply to the retained personal information (meaning retained personal information prescribed in Article 2, paragraph (3) of said Act) that is recorded in a movables assignment registration file, a claim assignment registration file or registered matters summary file.

(審査請求)

(Request for Review)

第十九条 登記官の処分を不当とする者は、当該登記官を監督する法務局又は地方法務局長に審査請求をすることができる。

Article 19 (1) A person who considers a disposition made by a registrar to be unreasonable may make a request for review to the Director of the Legal Affairs Bureau or District Legal Affairs Bureau who supervises said registrar.

2 審査請求は、登記官を経由してしなければならない。

(2) A request for review shall be made via the registrar.

3 登記官は、審査請求を理由があると認めるときは、相当の処分をしなければならない。

(3) A registrar, when he/she finds a request for review to be well-grounded, shall make a reasonable disposition.

4 登記官は、審査請求を理由がないと認めるときは、その請求の日から三日以内に、意見を付して事件を第一項の法務局又は地方法務局長に送付しなければならない。

(4) A registrar, when he/she finds a request for review to be groundless, shall refer the case to the Director of the Legal Affairs Bureau or District Legal Affairs Bureau set forth in paragraph (1) within three days from the date of the request, with his/her opinions.

5 第一項の法務局又は地方法務局長は、審査請求を理由があると認めるときは、登記官に相当の処分を命じ、その旨を審査請求人のほか登記上の利害関係人に通知しなければならない。

(5) The Director of the Legal Affairs Bureau or District Legal Affairs Bureau set forth in paragraph (1), when he/she finds a request for review to be well-grounded, shall order the registrar to make a reasonable disposition, and shall give notice to the person who made the request for the review and any other person who has an interest in the registration to that effect.

(行政不服審査法の適用除外)

(Exclusion from Application of the Administrative Appeal Act)

第二十条 登記官の処分に係る審査請求については、行政不服審査法（昭和三十七年法律第百六十号）第十四条、第十七条、第二十四条、第二十五条第一項ただし書、第三十四条第二項から第七項まで、第三十七条第六項、第四十条第三項から第六項まで及び第四十三条の規定は、適用しない。

Article 20 The provisions of Article 14, Article 17, Article 24, the proviso to Article 25, paragraph (1), Article 34, paragraph (2) to paragraph (7), Article 37, paragraph (6), Article 40, paragraph (3) to paragraph (6) and Article 43 of the Administrative Appeal Act (Act No. 160 of 1962) shall not apply to a request for review pertaining to a disposition made by a registrar.

(手数料の納付)

(Payment of Fees)

第二十一条 登記事項概要証明書、登記事項証明書又は概要記録事項証明書の交付を請求する者は、物価の状況及び登記事項証明書の交付等に要する実費その他一切の事情を考慮して政令で定める額の手数料を納めなければならない。

Article 21 (1) A person who makes a request for the issuance of a Certificate of Summary of Registered Matters, Certificate of Registered Matters or Certificate of Matters Recorded in Summary shall pay such amount of fees as specified by Cabinet Order in consideration of the price of commodities, the actual cost required for the issuance, etc. of a Certificate of Registered Matters, etc. and any other circumstances concerned.

2 前項の手数料の納付は、登記印紙をもってしなければならない。ただし、行政手続等における情報通信の技術の利用に関する法律（平成十四年法律第百五十一号）第三条第一項の規定により同項に規定する電子情報処理組織を使用して前項の請求をするときは、法務省令で定めるところにより、現金をもってすることができる。

(2) The payment of the fees set forth in the preceding paragraph shall be made with registration stamps; provided, however, that if a request set forth in the preceding paragraph is made by using, pursuant to the provision of Article 3, paragraph (1) of the Act on the Utilization of Information and Communications Technology in Administrative Procedure, etc. (Act No. 151 of 2002), electromagnetic means prescribed in Article 3, paragraph (1) of said Act, such payment may be made in cash as provided for by Ordinance of the Ministry of Justice.

(政令への委任)

(Delegation to Cabinet Order)

第二十二條 この法律に定めるもののほか、この法律に定める登記に関し必要な事項は、政令で定める。

Article 22 In addition to what is provided for in this Act, the necessary matters concerning the registrations provided for in this Act shall be prescribed by Cabinet Order.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一條 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

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