

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

(Act No. 84 of June 25, 2014)

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Chapter I General Provisions

(Purpose)

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

(Definitions)

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

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

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

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

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

(Geographical Indication)

Article 3 (1) A producer, as a member of a group of producers which has received a registration pursuant to Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (3) as well as paragraph (1) of the following Article) (including a group of producers that has received a registration of change referred to in Article 15, paragraph (1); hereinafter referred to as a "registered group of producers") may affix a geographical indication on the SAFFPF or their package, container or invoice (hereinafter referred to as "package, etc.") if the agricultural, forestry and fishery products and foodstuffs produced by the producer are SAFFPF under the registration prescribed in Article 6. The same applies to a person that has directly or indirectly acquired the agricultural, forestry and fishery products and foodstuffs from that producer.

(2) Except in cases under the preceding paragraph, no person may affix a geographical indication pertaining to a SAFFPF or an indication similar to it on agricultural, forestry and fishery products and foodstuffs belonging to the classification to which the SAFFPF under the registration is affiliated (meaning a classification of agricultural, forestry and fishery products and foodstuffs provided by the Minister of Agriculture, Forestry and Fisheries in consideration of circumstances including the classifications designated by the Minister of Agriculture, Forestry and Fisheries pursuant to Article 7, paragraph (1) of the Act on Standardization of Commodities concerning Agricultural and Forestry Products (Act No. 175 of 1950); the same applies hereafter), or agricultural, forestry and fishery products and foodstuffs manufactured or processed using those products as a main raw material or ingredient, or on its package, etc.; provided, however, that this does not apply in the following cases:

- (i) when a person affixes a geographical indication pertaining to the SAFFPF or an indication similar thereto on agricultural, forestry and fishery products and foodstuffs manufactured or processed using the SAFFPF under the registration as a main raw material or ingredient, or on its package, etc.;

- (ii) when the holder of a right to a registered trademark (meaning the registered trademark prescribed in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereafter) under an application for registration filed before the date of the registration provided by Article 6 (when there has been any registration of change under Article 16, paragraph (1) with regard to the information set forth in Article 7, paragraph (1), item (iii) pertaining to the registration, the day of registration of that change; the same applies in the following item and item (iv)) or any other person that has the right to use (meaning use as prescribed in Article 2, paragraph (3) of the Act; hereinafter the same applies in this item and the following item) the registered trademark pursuant to the Articles of that Act uses the relevant registered trademark for designated goods or designated services (meaning the goods or services designated pursuant to the provisions of Article 6, paragraph (1) of that Act) under the registration of trademark;
 - (iii) when a person that has the right to use a trademark pursuant to the provisions of the Trademark Act or any other law from before the date of registration uses the trademark under the right for goods or services under that right (excluding a case set forth in the preceding item);
 - (iv) when, from before the date of registration, without the purpose of obtaining a wrongful gain, causing damages to others, or any other wrongful purpose, a person that has affixed an indication with the identical name as the geographical indication pertaining to the SAFFPF or an indication similar thereto on agricultural, forestry and fishery products and foodstuffs belonging to the classification to which the SAFFPF under the registration is affiliated or on its package, etc., or a person that has succeeded to the business, continues to affix the indication on the agricultural, forestry and fishery products and foodstuffs or their package, etc.; or, when a person that has directly or indirectly acquired the agricultural, forestry and fishery products and foodstuffs (limited to those for which the indication is affixed to the product or its package, etc.) from that person affixes the indication on those agricultural, forestry and fishery products and foodstuffs or its package, etc.; or
 - (v) beyond what is set forth in the preceding items, when it is provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) A person that undertakes the import of agricultural, forestry and fishery products and foodstuffs as its business (referred to as "importer" in paragraph (3) of the following Article) may not transfer, entrust to transfer or display for the purpose of transferring imported agricultural, forestry and fishery products and foodstuffs set forth below on which a geographical indication or an indication similar thereto is affixed (including those products on which these indications are affixed to package, etc.); provided, however, that this does not

apply in the case where these indications are affixed pursuant to the provisions of paragraph (1) or proviso to preceding paragraph:

- (i) agricultural, forestry and fishery products and foodstuffs belonging to the classification to which the SAFFPF is affiliated;
- (ii) agricultural, forestry and fishery products and foodstuffs manufactured or processed using agricultural, forestry and fishery products and foodstuffs set forth in the preceding item as a main raw material or ingredient.

(Registered Mark)

Article 4 (1) When a producer member of a registered group of producers affixes a geographical indication on the SAFFPF or on their package, etc. pursuant to the provisions of the first sentence of paragraph (1) of the preceding Article, the producer must affix a registered mark (meaning a mark stating that the geographical indication refers to the name of the SAFFPF pertaining to the registration and provided by Order of the Ministry of Agriculture, Forestry and Fisheries; the same applies hereafter) on the SAFFPF or their package, etc. The same applies to a person prescribed in the second sentence of that paragraph.

- (2) Except in cases under the preceding paragraph, it is prohibited for any person to affix a registered mark or a mark similar thereto on agricultural, forestry and fishery products and foodstuffs or their package, etc.
- (3) An importer of agricultural, forestry and fishery products and foodstuffs may not transfer, entrust to transfer or display for the purpose of transferring the imported agricultural, forestry and fishery products and foodstuffs on which a registered mark or mark similar thereto is affixed (including those products on which these marks are affixed to package, etc.); provided, however, that this does not apply in the case where the registered mark is affixed pursuant to the provisions of paragraph (1).

(Order for Measures)

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

- (i) Article 3, paragraph (2) and (3): remove or erase the geographical indication or an indication similar thereto;
- (ii) paragraph (1) of the preceding Article: affix the registered mark; or
- (iii) paragraph (2) or (3) of the preceding Article: remove or erase the registered mark or a mark similar thereto.

Chapter III Registration

(Registration of SAFFPF)

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

(Application for Registration)

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

- (i) the name and address of the group of producers, and the name of its representative (if it is a group of producers without legal personality, its representative or administrator);
- (ii) the classification of the agricultural, forestry and fishery products and foodstuffs;
- (iii) the name of the agricultural, forestry and fishery products and foodstuffs;
- (iv) the place of production of the agricultural, forestry and fishery products and foodstuffs;
- (v) the characteristics of the agricultural, forestry and fishery products and foodstuffs;
- (vi) the method of production of the agricultural, forestry and fishery products and foodstuffs;
- (vii) beyond what is set forth from item (ii) to the preceding item, other necessary matters to identify the agricultural, forestry and fishery products and foodstuffs;
- (viii) beyond what is set forth from item (ii) to the preceding item, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the agricultural, forestry and fishery products and foodstuffs; and
- (ix) beyond what is set forth in the preceding items, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The following documents must be attached to the written application of the preceding paragraph:

- (i) the specification;
- (ii) the rules regarding the method of production process management (hereinafter referred to as the "production process management rules"); and
- (iii) beyond what is set forth in the preceding two items, documents provided

by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (3) A group of producers that undertakes production process management may apply for registration jointly with others.

(Public Notice of Application for Registration)

Article 8 (1) When the Minister of Agriculture, Forestry and Fisheries has received an application for registration, the Minister must publicly notify the information set forth in paragraph (1), items (i) to (viii) of the preceding Article and any other necessary information, except when registration is refused pursuant to the provisions of Article 13, paragraph (1) (limited to the part pertaining to item (i)).

- (2) The Minister of Agriculture, Forestry and Fisheries must make the written application in paragraph (1) of the preceding Article and the documents set forth in paragraph (2), items (i) and (ii) of that Article available for public inspection for two months from the date of the public notice under the preceding paragraph.

(Submission of Written Opinion)

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

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

(Restrictions on Application for Registration)

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

- (i) the application for registration is made before the period prescribed in paragraph (1) of the preceding Article expires after the application for registration pertaining to the public notice under Article 8, paragraph (1) is

made; and

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

(Hearing of Opinions of Persons with Relevant Expertise)

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

(Implementation of Registration)

- Article 12 (1) When the Minister of Agriculture, Forestry and Fisheries has received an application for registration (excluding a case set forth in Article 8, paragraph (1)) and finished the procedures under the relevant Article to the preceding Article, the Minister must register the application, except when registration is refused pursuant to the provisions of paragraph (1) of the following Article.
- (2) The registration is to be made by specifying the following information in the register of SAFFPF:
- (i) the number and date of registration;

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

(Refusal of Registration)

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

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

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

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

(Public Inspection of the Register of SAFFPF)

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

(Registration of Change to Add Group of Producers)

Article 15 (1) A group of producers intending to undertake production process management for SAFFPF pertaining to a registration under Article 6 (excluding the group of producers that received the registration) may register a change to add the information set forth in Article 7, paragraph (1), item (i) pertaining to that group of producers to the matters set forth in Article 12, paragraph (2), item (iii).

(2) The provisions in Articles 7 to 9 and 11 to 13 apply mutatis mutandis to registration of change prescribed in the preceding paragraph. In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "the information set forth in item (i), the registration number, and the information set forth in Article 9", the term "the information set forth in paragraph (1), items (i) to (viii) of the preceding Article" in Article 8, paragraph (1) is deemed to be replaced with "the information set forth in paragraph (1), item (i) of the preceding Article, the registration number", the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 13, paragraph (1), items (ii) and (iv) (excluding (a))", the term "the relevant Article to the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "the relevant Article, Article 9, and the preceding Article", the term "following" in paragraph (2) of that Article is deemed to be replaced with "set forth in the date of change and

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

(Registration of Change of Specification)

- Article 16 (1) A registered group of producers intending to make a change to the specification (limited to those pertaining to the information set forth in Article 7, paragraph (1), items (iii) to (viii)) must receive a registration of change.
- (2) In the case of the preceding paragraph, if there are two or more registered groups of producers pertaining to a registration in Article 6, all registered groups of producers pertaining to the registration must jointly apply for registration of change in that paragraph.
- (3) The provisions in Article 7, paragraphs (1) and (2), Article 8, Article 9, and Articles 11 through 13 (if the matters pertaining to registration of change as prescribed in paragraph (1) are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, excluding the provisions of Articles 9 and 11) apply mutatis mutandis to a registration of change as prescribed in paragraph (1). In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "of the information set forth in item (1), the registration number, and among the information set forth in items (iii) to (viii), those pertaining to change", the term "the information set forth in paragraph (1), items (i) to (viii) of the preceding Article" in Article 8, paragraph (1) is deemed to be replaced with "of the information set forth in paragraph (1), item (i) of the preceding Article, the registration number, and among the items (iii) to (viii) of that paragraph, those pertaining to change", the term "the Article to the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "that Article, Article 9, and the preceding Article" in cases other than the case where the information pertaining to the registration of change as prescribed in paragraph (1) are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or replaced with "that Article" if the matters pertaining to the registration of change as prescribed in that paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, the term "following" in paragraph (2) of that Article is deemed to be replaced with "the information pertaining to the date of change and the change", the term "item (ii) of the relevant paragraph" in Article 13, paragraph (1), item (ii), (a) is deemed to be replaced with "item (iii) of the relevant paragraph" and the term "the information" is deemed to be replaced with "among the information,

those pertaining to change".

(Notification of Change in Registered Group of Producers)

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

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

(3) When the Minister of Agriculture, Forestry and Fisheries has registered the change prescribed in the preceding paragraph, the Minister must publicly notify the same.

(Notification of Change to Production Process Management Rules)

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

(Notification of Suspension of Production Process Management)

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

(Invalidation of Registration)

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

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

(ii) if the registered group of producers has discontinued its production process management.

(2) When a registration has been invalidated pursuant to the provisions of the preceding paragraph, the registered group of producers pertaining to the registration (in the case set forth in item (i) of that paragraph, a liquidator) must notify the Minister of Agriculture, Forestry and Fisheries of the reason and the date of its invalidation without delay.

- (3) When a registration has been invalidated pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must delete the registration from the register of SAFFPF
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted a registration pursuant to the provisions of the preceding paragraph, the Minister must publicly notify the same.

(Order for Measures)

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

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

(Cancellation of Registration)

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

- (i) if a registered group of producers falls under any of the following:
 - (a) the group no longer constitutes a group of producers;
 - (b) the group has fallen under Article 13, paragraph (1), item (i), (b) (limited to the part pertaining to 1.);
 - (c) the group violates an order under the preceding Article; or
 - (d) the group has received a registration prescribed in Article 6 or a registration of change prescribed in Article 15, paragraph (1) or Article 16, paragraph (1) by wrongful means;
 - (ii) if the SAFFPF to be registered fall under Article 13, paragraph (1), item (iii), (a);
 - (iii) if the name of the SAFFPF to be registered falls under Article 13, paragraph (1), item (iv), (a); or
 - (iv) if a holder of a trademark or an exclusive licensee provided in the respective items of Article 13, paragraph (2) has withdrawn the consent provided in the respective items of that paragraph.
- (2) The provisions of Articles 8, 9, and 11 apply mutatis mutandis to the cancellation of registration under the preceding paragraph (limited to the part pertaining to items (ii) and (iii)). In this case, the term "the information set forth in paragraph (1), items (i) to (viii) of the preceding Article, except when registration is refused pursuant to the provisions of Article 13, paragraph (1) (limited to the part pertaining to item (i))" in Article 8, paragraph (1) is

- deemed to be replaced with "the registration number and the reason for cancellation", the term "the written application in paragraph (1) of the preceding Article and the documents set forth in paragraph (2), item (i) of that Article" in paragraph (2) of the relevant Article is deemed to be replaced with "the documents set forth in paragraph (2), item (i) of the preceding Article" and the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 22, paragraph (1), items (ii) and (iii)".
- (3) When the Minister of Agriculture, Forestry and Fisheries has cancelled all or part of a registration under paragraph (1), the Minister must delete all or part of the registration from the register of SAFFPF.
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted all or part of a registration pursuant to the provisions of the preceding paragraph, the Minister must give notice of the same to the registered group of producers pertaining to the cancellation of the registration, and publicly notify it.

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

(Designation of SAFFPF of Foreign Countries)

- Article 23 (1) In order for Japan to protect the name of a SAFFPF mutually with a foreign state (meaning a state or region outside the territory of Japan; hereinafter the same applies in this paragraph) that has an equivalent system for protection of names of SAFFPF in accordance with this Act (hereinafter referred to as "equivalent system") and that falls under all of the below noted items (hereinafter referred to as "contracting state"), the Minister of Agriculture, Forestry and Fisheries may designate the SAFFPF of the contracting state whose names are protected under the equivalent system of that contracting state:
- (i) having concluded an international agreement with Japan that includes the matters listed below:
- (a) the names of SAFFPF of Japan should be protected by the foreign state under the equivalent system; and
- (b) the names of SAFFPF of the foreign state should be protected by Japan under this Act;
- (ii) with regard to the names of SAFFPF of Japan that should be protected under the international agreement specified in the preceding item, the competent authority of the foreign state is to take necessary measures when the Japanese government or a registered group of producers pertaining to the SAFFPF asks for appropriate protection of the relevant name.
- (2) The designation in the preceding paragraph (hereinafter simply referred to as "designation") is to be made by stipulating the following matters:

- (i) the classification of the SAFFPF;
- (ii) the name of the SAFFPF;
- (iii) the place of production of the SAFFPF;
- (iv) the characteristic of the SAFFPF;
- (v) beyond what is set forth in the preceding items, the method of production of the SAFFPF and other necessary matters to identify the SAFFPF; and
- (vi) beyond what is set forth in the preceding items, matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the SAFFPF.

(Public Notice before Designation)

Article 24 Having provided a designation, the Minister of Agriculture, Forestry and Fisheries must publicly notify, in advance, the information set forth in the respective items of paragraph (2) of the preceding Article and other necessary matters.

(Submission of Written Opinion)

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

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

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

- (i) the application for registration is made before the period under preceding Article expires after the public notice under Article 24 is made;
- (ii) all or a part of the agricultural, forestry and fishery products and foodstuffs pertaining to the application for registration must fall under all or part of the candidate agricultural, forestry and fishery products and foodstuffs for designation.

(2) An application for registration falling under item (ii) of the preceding paragraph cannot be made after the period under the preceding Article expires;

provided, however, that this does not apply after a candidate agricultural, forestry and fishery products and foodstuffs for designation has not been designated or has been designated pursuant to the provisions of Article 29, paragraph (1).

(Hearing of Opinions of Persons with Relevant Expertise)

- Article 27 (1) When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with persons with relevant expertise as to whether the candidate agricultural, forestry and fishery products and foodstuffs for designation fall under a case set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate agricultural, forestry and fishery products and foodstuffs for designation fall under a case set forth in item (ii), (a) and (b) of the same paragraph.
- (2) When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries may consult with persons with relevant expertise as to whether the name of the candidate agricultural, forestry and fishery products and foodstuffs for designation falls under a case set forth in Article 29, paragraph (1), item (ii), (c).
- (3) In the case of the preceding two paragraphs, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 25 to persons with relevant expertise.
- (4) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1) or (2), may hear opinions of the person that submitted a written opinion pursuant to Article 25 and other relevant persons if they find it to be necessary.
- (5) Persons with relevant expertise that have been consulted pursuant to the provisions of paragraph (1) or (2) may not leak or misappropriate secrets that they have learned in the course of being asked for their opinions.

(Implementation of Designation)

- Article 28 (1) When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24 to the preceding Article, the Minister must designate except when the designation will not be provided pursuant to the provisions in paragraph (1) of the following Article.
- (2) When the Minister of Agriculture, Forestry and Fisheries has designated, the Minister must publicly notify the following matters promptly:
- (i) the number and date of designation;
 - (ii) the name of the contracting state for the designation; and
 - (iii) the information set forth in the respective items of Article 23, paragraph

(2).

(Criteria of Designation)

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

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

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

(Geographical Indication of SAFFPF Pertaining to Designation)

Article 30 A designated SAFFPF is deemed to be a registered SAFFPF pertaining to an application of the provisions of Article 3 and Article 13, paragraph (1), item (iii), (b). In this case, the term "A producer as a member of a group of producers which has received a registration pursuant to Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article (including a group of producers that has received a registration of change to Article 15, paragraph (1); hereinafter referred to as a "registered group of producers")" in Article 3,

paragraph (1) is read as "A person that is entitled to affix a geographical indication in the equivalent system (meaning the equivalent system as stipulated in Article 23, paragraph (1)) of the contracting state (meaning the contracting state as stipulated in the same paragraph) with regard to a SAFFPF pertaining to a designation in the same paragraph (hereinafter simply referred to as 'designation' in the following paragraph)", the term "the producer" is read as "the person", the term "date of the registration provided by Article 6" in paragraph (2), item (ii) of the same Article is read as "date of designation", the term "Article 7, paragraph (1), item (iii) pertaining to the registration" is read as "Article 23, paragraph (2), item (ii) pertaining to a designation", the term "to Article 16, paragraph (1)" is read as "under Article 31, paragraph (1)", the term "registration of change" is read as "change of designation", and the term "date of registration" in items (iii) and (iv) of the same paragraph is read as "date of designation".

(Change of Designation)

- Article 31 (1) If any of the information set forth in Article 23, paragraph (2), items (ii) through (vi) is changed in the equivalent system of the contracting state, the Minister of Agriculture, Forestry and Fisheries must change the designation of the applicable SAFFPF.
- (2) The provisions in Articles 24, 25, and 27 through 29 (if the matters pertaining to the change of designation under the preceding paragraph are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, excluding the provisions of Articles 25 and 27) apply mutatis mutandis to the change of designation under the same paragraph. In this case, the term "the information as listed in the respective items of paragraph (2) of the preceding Article" in Article 24 is deemed to be replaced with "the designation number, among the information set forth in paragraph (2), items (ii) through (vi) of the preceding Article, those pertaining to a change", the term "the candidate agricultural, forestry and fishery products and foodstuffs for designation" in Article 27, paragraph (1) is deemed to be replaced with "the SAFFPF pertaining to the public notice under Article 24", the term "of the candidate agricultural, forestry and fishery products and foodstuffs for designation" is deemed to be replaced with "of the SAFFPF" the term "candidate agricultural, forestry and fishery products and foodstuffs for designation" in paragraph (2) of the same Article is deemed to be replaced with "SAFFPF pertaining to the public notice under Article 24", the term "Article 24 to the preceding Article" in Article 28, paragraph (1) is deemed to be replaced with "Articles 24 and 25 and the preceding Article" in cases other than the case where the information pertaining to the change of designation under the preceding paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry

and Fisheries as being minor, or replaced with "Article 24" in cases where the information pertaining to the change of designation under the same paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, the term "following matters" in paragraph (2) of the same Article is deemed to be replaced with "designation number, date of change, matters pertaining to a change, and other matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries", and the term "candidate agricultural, forestry and fishery products and foodstuffs for designation" in Article 29, paragraph (1) is deemed to be replaced with "SAFFPF pertaining to the public notice under Article 24".

(Cancellation of Designation)

- Article 32 (1) The Minister of Agriculture, Forestry and Fisheries may, in the cases listed below, cancel all or a part of a designation:
- (i) if the name of the SAFFPF pertaining to a designation has fallen under either (a) or (c) of Article 29, paragraph (1), item (ii); or
 - (ii) if a holder of trademark or an exclusive licensee as provided in Article 29, paragraph (2) has withdrawn the approval provided in the same paragraph.
- (2) The provisions of Articles 24, 25, and 27 apply mutatis mutandis to the cancellation of designation under the preceding paragraph (limited to the part pertaining to item (i)). In this case, the term "the information as listed in the respective items of paragraph (2) of the preceding Article" in Article 24 must be deemed to be replaced with "designation number, reason for cancellation", the term "whether the candidate agricultural, forestry and fishery products and foodstuffs for designation fall under the cases set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate agricultural, forestry and fishery products and foodstuffs for designation" in Article 27, paragraph (1) must be deemed to be replaced with "the name of SAFFPF pertaining to the public notice under Article 24", the term "item (ii), (a) and (b) of the same paragraph" is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (a))", the term "candidate agricultural, forestry and fishery products and foodstuffs for designation" in paragraph (2) of the same Article is deemed to be replaced with "SAFFPF pertaining to the public notice under Article 24", and the term "Article 29, paragraph (1), item (ii), (c)" is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (c))".
- (3) Having cancelled all or a part of the designation under paragraph (1), the Minister of Agriculture, Forestry and Fisheries must publicly notify it promptly.

Chapter V Miscellaneous Provisions

(Method of Public Notice)

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

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

(Report and On-Site Inspection)

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

(2) An official that conducts the on-site inspection pursuant to the provisions of the preceding paragraph must carry a document that identifies the official and show it to the people concerned.

(3) The authority to conduct on-site inspection under paragraph (1) may not be construed as being granted for criminal investigations.

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

Article 35 (1) Any person that considers that a fact involving violation of the provisions of Article 3, paragraph (2) or paragraph (3), or Article 4 exists may report it to the Minister of Agriculture, Forestry and Fisheries and request that the appropriate measures be taken, in accordance with the procedures as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

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

(Cooperation of Relevant Administrative Organs)

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

(Delegation of Authority)

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

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

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

Chapter VI Penal Provisions

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

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

Article 41 Any person that violates an order under the provisions of Article 11, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 15, paragraph (2), Article 16, paragraph (3), and Article 22, paragraph (2)) and Article 27, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 31, paragraph (2) and Article 32, paragraph (2)) is to be punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.

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

- (i) a person that has failed to submit a notification under Article 17, paragraph (1) or Article 20, paragraph (2), or filed a false notification; or
- (iv) a person that has failed to submit a report under Article 34, paragraph (1), or filed a false report, or refused, interfered with or avoided inspections under that paragraph.

Article 43 (1) When a corporation (including an organization without legal personality with provisions for a representative or an administrator; hereinafter the same applies in this paragraph) or a representative or manager,

or an agent, employee, or other worker of a corporation or individual commits a violation of any of the provisions set forth in the following items with regard to the business of that corporation or individual, not only the offender is to be punished but also the corporation, by the fine prescribed respectively in those items, and the relevant individual, by the fine prescribed in the respective Articles:

- (i) Article 39: a fine of not more than 300 million yen;
- (ii) Article 40: a fine of not more than 100 million yen; or
- (iii) the preceding Article: a fine set forth in that Article.

(2) When the preceding paragraph applies to an organization without legal personality, its representative or administrator represent the organization without legal personality in litigation, and the legal provisions concerning cases of criminal litigation in which a corporation is the accused or the suspect apply *mutatis mutandis*.

Supplementary Provisions [Extract]

(Effective Date)

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

(Review)

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

(Adjustment Provisions)

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

(Delegation to Cabinet Orders)

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

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

(Effective Date)

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

(i) omitted

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

(iii) omitted