

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

(Order of the Ministry of Internal Affairs and Communications No. 39 of May 27, 2022)

(Terms)

Article 1 The terms used in this Ministerial Order have the meanings set forth in the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information (hereinafter referred to as the "Act").

(Sender Identification Information)

Article 2 Information that is conducive to the identification of the sender of the violating information specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 2, item (vi) of the Act is set forth as follows:

- (i) name of the sender or any other person who is involved with the transmission of the violating information or the violation-related telecommunications;
- (ii) address of the sender or any other person who is involved with the transmission of the violating information or the violation-related telecommunications;
- (iii) telephone number of the sender or any other person who is involved with the transmission of the violating information or the violation-related telecommunications;
- (iv) electronic mail address (meaning characters, numbers, symbols, and other codes for identifying the user of that electronic mail (meaning electronic mail specified in Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of 2002) and limited to that which uses communications methods specified in item (i) of the Ministerial Order Specifying the Communications Methods under Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail (Order of the Ministry of Internal Affairs and Communications No. 85 of 2009)); the same applies in Article 6, paragraph (1), item (i) of the sender or any other person who is involved with the transmission of the violating information or the

- violation-related telecommunications;
- (v) IP address (meaning the IP address specified in Article 164, paragraph (2), item (iii) of the Telecommunications Business Act (Act No. 86 of 1984); hereinafter the same applies in this Article) related to transmission of the violating information and port number (meaning the number allocated for the purpose of identifying the program used for communication by telecommunications facilities (meaning telecommunications facilities specified in Article 2, item (ii) of that Act; hereinafter the same applies in this Article) connected to the internet; the same applies in item (ix)) combined with the IP address;
 - (vi) internet connection service user identification code obtained from a mobile terminal facility (meaning mobile terminal facilities specified in Article 12-2, paragraph (4), item (ii), (b) of the Telecommunications Business Act; hereinafter the same applies in this Article) related to transmission of the violating information (where internet connection service user identification code means characters, numbers, symbols, and other codes which are allocated by a telecommunications carrier (meaning telecommunications carriers prescribed in Article 2, item (v) of that Act; the same applies in the following item) that provides internet connection services (meaning telecommunications services (meaning telecommunications services specified in Article 2, item (iii) of that Act) that enables connection to the internet by using transmission line facilities (meaning transmission line facilities connected to terminal facilities specified in Article 52, paragraph (1) of that Act) for terminals that have wireless connection for the end connected to user's telecommunications facilities or customer-owned and maintained telecommunications facilities (meaning customer-owned and maintained telecommunications facilities specified in Article 70, paragraph (1) of that Act) and that are connected to the mobile terminal facility with a browser installed at one end, and by using the browser; the same applies in the following item) for the purpose of identifying, on the internet, the user of the internet connection services from the mobile terminal facility, and which are transmitted by telecommunications (meaning telecommunications specified in Article 2, item (i) of that Act; the same applies in Article 5); hereinafter the same applies in this Article);
 - (vii) SIM identification number (meaning the number allocated in order to identify the electronic or magnetic recording medium (meaning a recording medium for records used in computerized information processing which is created in an electronic form, magnetic form, or any other form that cannot be perceived by the human senses) (limited to a recording medium that is used by affixing to, or equipping with, the mobile terminal facility) on which information for identifying the person who has signed an agreement on the

- provision of the internet connection services with the telecommunications carrier that provides the services from the mobile terminal facility is recorded; hereinafter the same applies in this Article) related to transmission of the violating information;
- (viii) date and time when the violating information was transmitted to the specified telecommunications facilities used by the disclosure related service provider from the mobile terminal facility pertaining to the SIM identification number under the preceding item, or the mobile terminal facility pertaining to the internet connection service user identification code obtained from the mobile terminal facility under item (vi), or telecommunications facilities to which the IP address under item (v) is allocated.
 - (ix) IP address related exclusively to the violation-related telecommunications and port number combined with that IP address;
 - (x) internet connection service user identification code obtained from the mobile terminal facility related exclusively to the violation-related telecommunications;
 - (xi) SIM identification number related exclusively to the violation-related telecommunications;
 - (xii) SMS telephone number (meaning numbers and other codes used to identify the user of electronic mail which is specified in Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail and which uses the communications methods specified in item (ii) of the Ministerial Order Specifying Communications Methods under Article 2, item (i) of the Act on Regulation of Transmission of Specified Electronic Mail; the same applies in the following item) related exclusively to the violation-related telecommunications;
 - (xiii) date and time when the violation-related telecommunications were transmitted to the telecommunications facility used by the disclosure related service provider from the telecommunications facility to which the IP address has been allocated relative exclusively to the violation-related telecommunications under item (ix), or the mobile terminal facility pertaining to the internet connection service user identification code from the mobile terminal facility relative exclusively to the violation-related telecommunications under item (x), or the mobile terminal facility pertaining to the SIM identification number relative exclusively to the violation-related telecommunications under the item (xi), or the mobile terminal facility pertaining to the SMS telephone number relative exclusively to the violation-related telecommunications under the previous item;
 - (xiv) use the management code (meaning characters, numbers, symbols, and other codes for identifying the user of internet connection services or

telecommunications lines used by that user, as such codes are used between the disclosure related service provider and other related disclosure related service providers which have an agreement or contract with the former disclosure related service provider regarding interconnecting or sharing of telecommunications facilities or provisions of wholesale telecommunications services (meaning wholesale telecommunications services specified in Article 29, paragraph (1), item (x) of the Telecommunications Business Act)) of the sender or any other person who is involved with the transmission of the violating information or the violation-related telecommunications.

(Specified Sender Identification Information)

Article 3 Sender identification information specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 5, paragraph (1) of the Act (limited to the portions other than those listed in each item) is the information prescribed in items (ix) through (xiii) of the preceding Article.

(Sender Identification Information Other than Specified Sender Identification Information Specified in Order of the Ministry of Internal Affairs and Communications Referred to in Article 5, paragraph (1), item (iii), (b) of the Act)

Article 4 Sender identification information other than specified sender identification information specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 5, paragraph (1), item (iii), (b) of the Act is information prescribed in Article 2, item (i) where the specified telecommunications service provider does not have information prescribed in Article 2, item (ii); information prescribed in Article 2, item (ii) where the specified telecommunications service provider does not have information prescribed in Article 2, item (i); information prescribed in Article 2, item (iii); information prescribed in Article 2, item (iv); or information prescribed in Article 2, item (viii).

(Violation-related telecommunications)

Article 5 Transmission of identification codes and other codes by telecommunications specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 5, paragraph (3) of the Act is the following transmission of the identification codes and other codes by telecommunications where that transmission is reasonably associated with the transmission of the violating information specified in the paragraph, respectively.

(i) transmission of identification codes and other codes by telecommunications where the transmission is carried out by the sender of the violating

information in accordance with the procedures for applying for a contract as prescribed in advance by the specified telecommunications service provider as the opposite party to the contract, in order to apply for the contract pertaining to the use of the specified telecommunications services (limited to the contract that includes permission of specified telecommunications as a part of) before using specified telecommunications services pertaining to the transmission of the violating information, or where the transmission is carried out by the sender of the violating information in accordance with the procedures for verification as prescribed in advance by the specified telecommunications service provider, in order to seek verification that the sender is the person who intends to enter into the contract (but limited to only the transmission sent before the transmission of the violating information.);

- (ii) sender of the violating information conducted in accordance with the procedures using the specified telecommunications service defined already by the specified telecommunications service provider who is the opposite party of the contract, in order to create the condition enabling the sender of the violating information to utilize the specified telecommunications service pertaining to the contract under the previous item, or the transmission by the telecommunications with the identification codes and other codes in accordance with the procedures already defined by the specified telecommunications service provider in order to ensure that the sender is the one who signed the contract;
- (iii) transmission by the telecommunications with the identification codes and other codes in accord with the procedures already defined by the specified telecommunications service provider who provides the specified telecommunications services in order to terminate the conditions enabling the use of the specified telecommunications service by the sender of the violating information through the use of the specified telecommunications services under the previous item;
- (iv) transmission by the telecommunications with the identification codes and other codes in accordance with the procedures already defined by the specified telecommunications service provider who is the opposite party of the contract in order to terminate the contract by the sender of the violating information who signed the contract under item (i) (but limited to only the transmission sent before the transmission of the violating information).

(Means of Provision)

Article 6 (1) Electronic or magnetic means specified by Order of the Ministry of Internal Affairs and Communications referred to in Article 15, paragraph (1), item (i) of the Act is any of the following means:

- (i) means of sending electronic mail;
 - (ii) means of delivering a magnetic disk, CD-ROM, and other recording medium; and
 - (iii) means of making matters set forth in Article 15, paragraph (1) of the Act and recorded in a file stored in a computer installed by the disclosure related service provider themselves under Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item) available for inspection only by the petitioner through telecommunications lines and notifying that petitioner that the matters will be or have been recorded in the file, or confirming that that petitioner has inspected the matters, as to which petitioner is able to prepare a document by outputting the records in the file;
- (2) In applying item (iii) in the preceding paragraph where Article 15, paragraph (1), item (ii) of the Act is applied, the phrase "installed by the disclosure related service provider themselves under Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item)" in that item, is replaced with the "installed by the disclosure related service provider itself under Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item) or by the other disclosure related service provider under item (ii) of that paragraph"; and the phrase "only by the petitioner" is replaced with "only by other disclosure related service providers under the same item"; and the phrase "that petitioner" is replaced with "other disclosure related service providers other than the disclosure related service provider ".

(Sender Identification Information Specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 15, paragraph (1), item (i), (b) of the Act)

Article 7 Sender identification information specified in Order of the Ministry of Internal Affairs and Communications referred to in Article 15, paragraph (1), item (i), (b) of the Act is the information specified respectively in the relevant item, depending on the categories set forth in the following items:

- (i) if the opposite party in the petition for sender identification information disclosure order prescribed in Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item) is the specified telecommunications service provider specified in Article 5, paragraph (1) of the Act, and the person who filed the petition demands in the petition the disclosure of sender identification information including specified sender identification information: the information specified respectively in (a) or (b), in accordance with the category of the cases prescribed in (a) or (b):
 - (a) if it is found that the demand for disclosure of specified sender identification information specified in Article 15, paragraph (2) of the Act

- falls under any of the cases in Article 5, paragraph (1), item (iii) of the Act: it is the information prescribed in Article 2, items (ix) through (xii);
- (b) if it is found that the demand for disclosure of specified sender identification information prescribed in Article 15, paragraph (2) of the Act falls under none of the cases in Article 5, paragraph (1), item (iii) of the Act: it is the information prescribed in Article 2, items (v) through (vii);
- (ii) if the opposite party in the petition for disclosure order of sender identification information specified in Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item) is the specified telecommunications service provider prescribed in Article 5, paragraph (1) of the Act (except where the preceding item applies): the information prescribed in Article 2, items (v) through (vii) and item (xiv);
- (iii) if the opposite party in the petition for sender identification information disclosure order specified in Article 15, paragraph (1) of the Act (limited to the portions other than those listed in each item) is the relevant telecommunications service provider prescribed in Article 5, paragraph (2) of the Act: the information prescribed in Article 2, items (ix) through (xii) and item (xiv).

Supplementary Provisions

Article 1 This Ministerial Order comes into effect from the date on which the Act to Partially Amend the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information (Act No. 27 of 2021) comes into effect.

Article 2 Ministerial Order Specifying Identification Information of the Senders under Article 4, paragraph (1) of the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Sender (Order of the Ministry of Internal Affairs and Communications No. 57 of 2002) is to be repealed.