

Cabinet Order for Specifying the Business Category and Scale Under in Article 4, Paragraph (1) of the Act on Improving Transparency and Fairness of Specified Digital Platforms

(Cabinet Order No. 17 of January 29, 2021)

The Cabinet established this Cabinet Order pursuant to Article 4, paragraph (1) of the Act on Improving Transparency and Fairness of Specified Digital Platforms (Act No. 38 of 2020).

(1) The business categories to be specified by Cabinet Order pursuant to Article 4, paragraph (1) of the Act on Improving Transparency and Fairness of Specified Digital Platforms (referred to as the "Act" below) are to be as stated in the middle column of the following table, and the scale of business to be specified by Cabinet Order pursuant to the same paragraph is as stated in the right-hand column for the respective business category.

	Business Category	Scale
(i))	business whereby users providing goods, etc. provide goods, etc. (goods, etc. is specified in Article 2, paragraph (1) of the Act; the same applies below) to general users and that falls under all of the following: (a) the users providing goods, etc. are primarily business operators, and the general users to whom the goods, etc. are provided are primarily persons other than business operators;	The aggregate amount of an amount stated below in a fiscal year (the period from April 1 of each year to March 31 of the following year; the same applies below) is 300 billion yen: (a) The aggregate amount of domestic sales in relation to the provision of Goods, etc. by the users providing goods, etc. (limited to provision on the forum related to the relevant business; the same applies in (b))

	<p>(b) business whereby users providing goods, etc. provide goods, etc. in response to consumers' broad demand, and the relevant goods, etc. include foods, beverages, or daily necessities; and</p> <p>(c) business whereby users providing goods, etc. who offers goods, etc., with the prices and other information of the relevant goods, etc. to general users.</p>	<p>(b) Total domestic sales relating to the business of a digital platform provider providing goods, etc. to general users (excluding businesses specified by Order of the Ministry of Economy, Trade and Industry as businesses that bear the cost of repairing goods provided by a users providing of goods, etc. in the event that the goods are damaged and other businesses conducted as an ancillary part of the provision of a digital platform).</p>
(ii))	<p>business whereby users providing goods, etc. provide software (limited to the relevant software that operates on mobile phone devices or similar devices; the same applies below) to general users, that sell the rights to the software and that fall under all of the following:</p> <p>(a) the users providing goods, etc. are primarily business operators, and a general users are persons other than business operator;</p>	<p>The aggregate amount of an amount stated below in a fiscal year is 200 billion yen:</p> <p>(a) The aggregate amount of domestic sales in relation to the provision of software and sales of rights (limited to provision and sales on the forum relating to the relevant business (simply referred to as the "forum" in (b)); the same applies in (b))</p>

	<p>(b) business whereby users providing goods, etc. provide the software in response to consumers' broad demand and the rights to the relevant software are sold, and the relevant software includes functions for sending and receiving electronic mail and functions for viewing information using the Internet; and</p> <p>(c) the users providing goods, etc. who offer the software with the prices for the software and the prices for the sales of rights to the relevant software, and other information of the relevant software and the relevant rights to general users.</p>	<p>(b) Total domestic sales relating to the business of a digital platform provider providing software and selling rights to general users (excluding businesses specified by Order of the Ministry of Economy, Trade and Industry as businesses that provide software that provides forum and other businesses conducted as an ancillary part of the provision of a digital platform).</p>
(ii) i)	<p>business whereby a digital platform provider provides a forum for general users to search information or interact with other general users by posting text, images, or video and in which a users providing of goods, etc. display information on goods, etc. to general users as advertising and that falls under all of the following:</p> <p>(a) the users providing goods, etc. are primarily business operators, and a general users are primarily persons other than business operators; and</p> <p>(b) the user providing goods, etc. whose information on goods, etc. is to be displayed is determined primarily by bidding.</p>	<p>The amount of domestic sales in a fiscal year relating to the provision of services for displaying information relating to the goods, etc. of users providing of goods, etc. by the digital platform provider as advertising (limited to that within the forum concerning the relevant business) is 100 billion yen</p>

(i) v)	<p>business whereby users providing of goods, etc. provide services to general users for displaying advertising materials (text, images, or video to be displayed as advertising that was created and recorded by an electronic or magnetic means, or other means that cannot be recognized by the perception of people; the same applies in this item) of general users as advertising in their own advertisement display frames (spaces built up by information processing using a computer for the purpose of displaying text, images or video as advertising; hereinafter the same applies in this item) and that fall under all of the following:</p> <p>(a) both users providing goods, etc. and general users are primarily business operators; and (b) the user providing goods, etc. who is to provide services for displaying advertising materials of general users as advertising in the advertisement display frames is determined primarily by bidding.</p>	<p>The amount of domestic sales in a fiscal year relating to the provision of services for displaying advertising materials as advertising in advertisement display frames of users providing goods, etc. (limited to that within the forum concerning the relevant business) is 50 billion yen</p>
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- (2) Beyond what is provided for in the preceding paragraph, the method of calculating domestic sales prescribed in the relevant paragraph and other necessary particulars concerning application of the provisions of the relevant paragraph are provided by Order of the Ministry of Economy, Trade and Industry.

Supplementary Provisions

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date on which the Act comes into effect (February 1, 2021).

(Partial Amendment of the Cabinet Order Designating Acts Specified in Item (viii) of the Appended Table of the Whistleblower Protection Act)

- (2) The Cabinet Order Designating Acts Specified in Item (viii) of the Appended Table of the Whistleblower Protection Act (Cabinet Order No. 146 of 2005) is partially amended as stated below.

Item (cdlvi) is renumbered as item (cdlvii), item (cdlv) is renumbered as item (cdlvi), and the following item is added after item (cdliv).

(cdlv) Act on Improving Transparency and Fairness of Digital Platforms (Act No. 38 of 2020)

Supplementary Provisions [Cabinet Order No. 246 of 2022]

This Cabinet Order comes into force on August 1, 2022.