

Civil Mediation Act

(Act No. 222 of June 9, 1951)

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Chapter I General Provisions

Section 1 General Rules

(Purpose of This Act)

Article 1 The purpose of this Act is to aid the resolution of civil disputes through mutual concession between relevant parties with reason, taking the circumstances of the dispute into consideration.

(Mediation Cases)

Article 2 If a civil dispute arises, a relevant party may file a petition for mediation with a court.

(Jurisdiction)

- Article 3 (1) Except as otherwise provided, a mediation case is under the jurisdiction of the summary court that has jurisdiction over the location of the domicile, residence, business office, or any other office of the respondent, or of the district court or summary court agreed to by the relevant parties.
- (2) A mediation case is under the jurisdiction of the summary court that has jurisdiction over the last domicile of the respondent (excluding a corporation or any other association or foundation) if the respondent has no domicile or residence in Japan or the respondent's domicile or residence is unknown.
- (3) A mediation case in which the respondent is a corporation or any other

association or foundation (excluding foreign association or foundation) is under the jurisdiction of the summary court that has jurisdiction over the domicile of its representative or any other person principally in charge of its business if the respondent has no office or business office in Japan, or the location of its office or business office is unknown.

- (4) A mediation case in which the respondent is a foreign association or foundation is under the jurisdiction of the summary court that has jurisdiction over the domicile of its representative or any other person principally in charge of its business in Japan if the respondent has no office or business office in Japan.

(Transfers)

Article 4 (1) If the court finds that all or part of a mediation case is not under its jurisdiction (excluding a case as prescribed in the main clause of the following paragraph), the court must, upon petition or by its own authority, transfer the case to the district court or summary court that has jurisdiction; provided, however, that if the court finds it particularly necessary for handling the case, it may, by its own authority, transfer all or part of the case to another court with jurisdiction or handle the case itself, notwithstanding the provisions on territorial jurisdiction.

- (2) If the court finds that all or part of a mediation case is not under its jurisdiction, and the case is one which a family court may mediate pursuant to the provisions of Article 244 of the Domestic Relations Case Procedure Act (Act No. 52 of 2011), the court must, by its own authority, transfer the case to the family court that has jurisdiction; provided, however, that if the court finds it particularly necessary for handling the case, it may transfer all or part of the case to another family court, notwithstanding the provisions on territorial jurisdiction.

- (3) Even if a mediation case brought to the court falls under its jurisdiction, if the court finds it appropriate for handling the case, by its own authority, it may transfer all or part of the case to another court under whose jurisdiction the case falls, notwithstanding the provisions on territorial jurisdiction.

(Petitions for Mediation)

Article 4-2 (1) A petition for mediation must be filed by submitting a written petition to the court.

- (2) The written petition referred to in the preceding paragraph must state the following matters:

- (i) the parties and their legal representatives; and
- (ii) the outline of the petition and the points of the dispute.

(Mediation Organizations)

- Article 5 (1) The court carries out mediation through a mediation committee; provided, however, that if the court finds it appropriate, mediation may be carried out only by a judge.
- (2) Upon the petition of a relevant party, the court must carry out the mediation through a mediation committee, notwithstanding the provisions of the proviso to the preceding paragraph.

(Composition of Mediation Committees)

- Article 6 A mediation committee is composed of a chief mediator and two or more civil mediation commissioners.

(Designation of Chief Mediators)

- Article 7 (1) The chief mediator is a judge designated by a relevant district court.
- (2) A civil mediation commissioner who constitutes a mediation committee is designated by the relevant court for each case.

(Civil Mediation Commissioners)

- Article 8 (1) A civil mediation commissioner is to, if ordered by the court, state their opinion with regard to other mediation cases based on their expert knowledge and experience, hear opinions from the persons relevant to those cases in order to resolve the dispute, and perform other necessary affairs specified by the Supreme Court for handling mediation cases, in addition to participating in mediation carried out by the mediation committee they are affiliated with.
- (2) A civil mediation commissioner serves part-time, and important particulars concerning their appointment and dismissal are specified by the Supreme Court.

(Disqualification of Civil Mediation Commissioners)

- Article 9 (1) The provisions of Article 11, Article 13, paragraphs (2), (8), and (9), and Article 14, paragraph (2) (excluding the parts concerning a challenge) of the Non-Contentious Case Procedures Act (Act No. 51 of 2011) apply mutatis mutandis to the disqualification of a civil mediation commissioner.
- (2) A judicial decision on the disqualification of civil mediation commissioner is made by the court to which the civil mediation commissioner belongs.

(Allowances)

- Article 10 A civil mediation commissioner is paid an allowance as separately provided by law, and is also paid travel expenses, a daily allowance, and accommodation expenses as specified by the Supreme Court.

(Participation by Interested Persons)

Article 11 (1) A person with an interest in the outcome of mediation may participate in mediation proceedings, with the permission of the mediation committee.

(2) The mediation committee, if it finds it appropriate, may have any person with an interest in the outcome of mediation participate in mediation proceedings.

(Measures Prior to Mediation)

Article 12 (1) If the mediation committee finds it particularly necessary as a measure prior to mediation, it may prohibit the respondent or any other person concerned with the case from changing the existing state of or disposing of any property, or order them to cease and desist any action that would make it impossible or particularly difficult to achieve the subject matter of the mediation upon the petition of a relevant party.

(2) The measure stated in the preceding paragraph is not enforceable.

(Control over Mediation Proceedings)

Article 12-2 Mediation proceedings conducted by a mediation committee are subject to the control of the chief mediator.

(Summons for Appearance Dates)

Article 12-3 A mediation committee must specify the appearance date for mediation proceedings and issue a summons of relevant persons.

(Mediation Locations)

Article 12-4 A mediation committee may mediate cases at an appropriate location outside of court in light of circumstances surrounding the case.

(Preparation of Electronic Records)

Article 12-5 (1) The court clerk must prepare an electronic record (meaning an electronic or magnetic record (meaning records used in computer data processing which are created in electronic form, magnetic form, or any other form that is otherwise impossible to perceive through the human senses alone; the same applies below) that a court clerk prepares pursuant to the provisions of this Act or any other laws and regulations for the purpose of recording or authenticating the form, content, progress, etc. of proceedings conducted on a court date or any other date; the same applies below) held on the date of mediation proceedings as provided for by the Rules of the Supreme Court; provided, however, that this does not apply if the chief mediator finds it unnecessary to do so.

- (2) When a court clerk prepares an electronic record pursuant to the provisions of the preceding paragraph, they must record it in the court's computer files on electronic data processing systems used by the court (including input-output devices; the same applies below), as provided for by the Rules of the Supreme Court (referred to simply as the court's "computer files" except for in Article 12-7, paragraphs (2) and (3) and Article 12-8).

(Access to Hard-Copy Case Records)

Article 12-6 (1) The parties to a case or any third party that makes a prima facie showing of interest in the case may file a request with the court clerk to inspect or copy, or to issue an authenticated copy, transcript or extract of the electronic or magnetic case records)copy the hard-copy case records (meaning the portion of the mediation case records excluding the electronic or magnetic case records as prescribed in paragraph (1) of the following Article; the same applies in paragraph (2) below and Article 12-9).

- (2) The provisions of Article 91, paragraphs (4) and (5) of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to hard-copy case records.

(Access to Electronic or Magnetic Case Records)

Article 12-7 (1) As provided for by the Rules of the Supreme Court, the parties to a case or any third party that makes a prima facie showing of interest in the case may file a request with the court clerk to inspect the content of electronic or magnetic case records (meaning the portion of mediation case records relating to matters recorded in files stored on a computer used by the court pursuant to the provisions of this Act and any other laws and regulations; the same applies in this Article and Article 12-9 below) displayed in the manner specified by the Rules of the Supreme Court.

- (2) As provided for by the Rules of the Supreme Court, the parties to a case or any third party that makes a prima facie showing of interest may file a request with a court clerk to provide a copy of electronic or magnetic case records using an electronic data processing system (meaning an electronic data processing system that connects a computer used by the court and the computer used by the other person involved in the procedure via a telecommunications line; the same applies below in this and the following Article) to record the information in a file stored on a computer that the person is using, or by any other means as provided by the Rules of the Supreme Court.
- (3) As provided for by the Rules of the Supreme Court, the parties to a case or a third party that makes a prima facie showing of interest in the case may request a court clerk to issue a paper document containing the whole or part of the information recorded in an electronic or magnetic case record, whose

content the court clerk certifies, by the means specified by the Rules of the Supreme Court, to give information identical to what is recorded in the electronic or magnetic case record; or to provide an electronic or magnetic record containing the whole or part of the information recorded in an electronic or magnetic case record, whose content the court clerk certifies, by the means specified by the Rules of the Supreme Court, to give information identical to what is recorded in the electronic or magnetic case record, using an electronic data processing system specified by the Rules of the Supreme Court to record it in a file stored on the computer that the party is using, or by any other means specified by the Rules of the Supreme Court.

- (4) The provisions of Article 91, paragraph (5) of the Code of Civil Procedure apply *mutatis mutandis* to request to inspect and copy electronic or magnetic case records under the provisions of paragraphs (1) and (2).

(Certification of Mediation Case Details)

Article 12-8 As provided for by the Rules of the Supreme Court, the parties to a case or a third party that makes a *prima facie* showing of interest in a case may request a court clerk to issue a paper document containing information concerning the litigation that the court clerk certifies by the means specified by the Rules of the Supreme Court; or to provide an electronic or magnetic record containing information concerning the litigation that the court clerk certifies by the means specified by the Rules of the Supreme Court, using an electronic data processing system specified by the Rules of the Supreme Court to record it in a file stored on the computer that the party is using, or by any other means specified by the Rules of the Supreme Court.

(Restrictions on Access to Records to Protect Confidentiality)

Article 12-9 Article 92 of the Code of Civil Procedure applies *mutatis mutandis* to the access to mediation case records (meaning to inspect or copy hard-copy case records, or to be issued an authenticated copy, transcript, or extract of those records, or for those records to be reproduced; or to inspect or copy electronic or magnetic case records, to be issued a paper document certifying the whole or part of their content, or to be provided with electronic or magnetic records certifying the whole or part of their content).

(Examination of Facts and Examination of Evidence)

- Article 12-10 (1) A mediation committee may examine facts by their own authority and examine evidence as necessary upon petition to do so or by its own authority.
- (2) A mediation committee may have their chief mediator examine facts examine evidence.

(When Mediation Is Not Conducted)

Article 13 If a mediation committee finds that a case is unsuitable for mediation due to its nature, or finds that a party has filed a petition for mediation for an unjust purpose and without due cause, the mediation committee may decide not to carry out the mediation and close the case.

(Unsuccessful Mediation)

Article 14 If there is no likelihood of the parties reaching an agreement or if the mediation committee finds that the agreement reached is inappropriate, and the court does not issue an order referred to in Article 17, the mediation committee may deem the mediation unsuccessful and close the case.

(Application Mutatis Mutandis to Mediation by a Judge)

Article 15 The provisions of Article 11 through the preceding Article apply mutatis mutandis to cases in which mediation is carried out only by a judge.

(Successful Mediation and Its Effect)

Article 16 (1) If an agreement is reached between parties during mediation and an electronic record of the agreement is made and recorded in the court's computer files, the mediation is deemed successful, and the record has the same effect as a judicial settlement.
(2) An electronic record recorded in a file pursuant to the provisions of the preceding paragraph must be served on the parties.

(Rulings of Corrections to Electronic Records of Mediation)

Article 16-2 (1) If there is a miscalculation, clerical error, or any other clear error similar to this in an electronic record recorded in the court's computer files pursuant to the provisions of paragraph (1) of the preceding Article, the court may issue a corrective ruling of correction at any time upon petition or sua sponte.
(2) Rulings of corrections must be made by preparing a record of an electronic judgment (meaning an electronic written judgment as prescribed in Article 57, paragraph (1) of the Non-Contentious Case Procedures Act as applied mutatis mutandis pursuant to Article 22) and recording it in a computer file, as provided for by the Rules of the Supreme Court.
(3) An immediate appeal may be filed against a ruling of correction.
(4) An immediate appeal may be filed against an order to dismiss the petition under paragraph (1) as defective.

(Order in Lieu of Mediation)

Article 17 If mediation carried out by a mediation committee is unlikely to be successful, and the court finds it appropriate, it may issue an order as necessary to resolve the case after hearing the opinions of the civil mediation commissioners in the mediation committee by its own authority and to an extent that does not contradict the objectives of the parties' petitions, giving consideration to equitable treatment of the interests of both parties, and taking into account all relevant circumstances. Through this order, the court may order the payment of money, delivery of an item, or any other provision of economic benefit.

(Filing of Objections)

- Article 18 (1) A relevant party or any interested person may file an objection to an order referred to in the preceding Article. The period for filing an objection is two weeks from the day on which the party receives notice of the order.
- (2) If the court finds the objection under the provisions of the preceding paragraph to be defective, it must dismiss the objection.
- (3) An immediate appeal against a judicial decision to dismiss an objection pursuant to the provisions of the preceding paragraph has the effect of stay of execution.
- (4) If a lawful objection is filed, the order referred to in the preceding Article ceases to have effect.
- (5) If no objection is filed within the period referred to in paragraph (1), the order referred to in the preceding Article has the same effect as a judicial settlement.

(Filing of Actions in Cases of Unsuccessful Mediation)

Article 19 If a case is closed pursuant to the provision of Article 14 (including as applied mutatis mutandis pursuant to Article 15) or if an order ceases to have effect pursuant to the provisions of paragraph (4) of the preceding Article, and the petitioner then files an action with regard to the claim for which mediation was sought within two weeks from the day on which the petitioner receives the notice to that effect, that the action is deemed to have been filed at the time of the filing of the petition for mediation.

(Withdrawal of Petitions for Mediation)

Article 19-2 A petition for mediation may be withdrawn in whole or in part while a mediation case is open; provided, however, that the withdrawal does not become effective without the consent of the respondent after an order referred to in Article 17 is made.

(Referral to Mediation)

Article 20 (1) If the court in charge of a case finds it appropriate, it may by its

own authority refer the case for mediation and handle the case itself or have the case handled by a court which has jurisdiction over the case; provided, however, that this does not apply to cases in which there is no agreement by the parties after the arrangement of the issues and evidence of the case have been completed.

- (2) If the case is referred for mediation pursuant to the provisions of the preceding paragraph, and the mediation is successful or an order referred to in Article 17 becomes final and binding, the action is deemed to be withdrawn.
- (3) If the court in charge of a case carries out the mediation process itself pursuant to the provisions of paragraph (1), notwithstanding the provisions of Article 7, paragraph (1), the chief mediator is designated by the court in charge of the case from among its judges.
- (4) The provisions of the preceding three paragraphs apply *mutatis mutandis* if a non-contentious case is referred for mediation.

(Bearing of Expenses for Successful Mediation)

Article 20-2 (1) If mediation is successful, and the bearing of mediation costs is not specified, each person bears their own expenses.

- (2) If mediation is successful in a suit or non-contentious case that has been referred for mediation pursuant to the provisions of paragraph (1) of the preceding Article (including as applied *mutatis mutandis* pursuant to paragraph (4) of that Article) and Article 24-2, paragraph (2), and the bearing of expenses for proceedings of the suit or non-contentious case is not specified, each party bears their own expenses.

(Suspension of Litigation Proceedings)

Article 20-3 (1) If a suit is pending for a case for which a petition for mediation is filed, or a case is referred for mediation pursuant to the provisions of Article 20, paragraph (1) or Article 24-2, paragraph (2), the court in charge of the case may suspend litigation proceedings while the mediation case is open; provided, however, that this does not apply to cases in which there is no agreement by the parties after the arrangement of the issues and evidence of the case has been completed.

- (2) The provisions of the preceding paragraph apply *mutatis mutandis* if a non-contentious case is pending for a case for which a petition for mediation has been filed, or a non-contentious case is referred for mediation pursuant to the provisions of Article 20, paragraph (1) as applied *mutatis mutandis* pursuant to paragraph (4) of that Article.

(Immediate Appeals Against Orders Other Than Final Orders)

Article 21 An immediate appeal may be filed against an order other than a final

order made in mediation proceedings, as provided for by the Rules of the Supreme Court in addition to what is provided for in this Act.

(Filing Petitions Using Electronic Data Processing Systems)

- Article 21-2 (1) The provisions of Articles 132-10 through 132-12 of the Code of Civil Procedure apply mutatis mutandis to petitions and other statements in mediation proceedings (referred to as "petitions" in the following paragraph and the following Article). In this case, "service" in Article 132-10, paragraph (5) and (6) and Article 132-12, paragraphs (2) and (3) of the Act are deemed to be replaced with "service or sending", the term "the proviso to Article 54, paragraph (1)" in Article 132-11, paragraph (1), item (i) of the Act is deemed to be replaced with "the provisions of the proviso to Article 22, paragraph (1) of the Non-Contentious Case Procedures Act (Act No. 51 of 2011) as applied mutatis mutandis pursuant to Article 22 of the Civil Mediation Act, the term "Article 2" in Article 132-11, paragraph (1), item (ii) is deemed to be replaced with "Article 2 of the same Act as applied mutatis mutandis in Article 9", and "Article 133-2, paragraph (2)" in Article 132-12, paragraph (1), item (iii) of the same Act is deemed to be replaced with Article 133-2, paragraph (2) as applied mutatis mutandis in Article 21-3 of the Civil Mediation Act".
- (2) The provisions of Article 132-13 of the Code of Civil Procedure apply mutatis mutandis to information included in documents (meaning using a paper document, piece of writing, written material, transcript, extract, authenticated copy, duplicate copy, extra copy, or other piece of paper or tangible object bearing characters, shapes, and other such information that can be perceived using the human senses; the same applies in this paragraph) (excluding cases where the petition is filed in writing) that have been submitted in mediation proceedings to a court pursuant to the provisions of this Act or other laws or regulations, or recorded in files copied from recording media containing electronic or magnetic records. In this case, the term "Article 133-2, paragraph (2)" in Article 132-13, item (iii) is deemed to be replaced with "Article 133-2 paragraph (2) as applied mutatis mutandis pursuant to Article 21-3 of the Civil Mediation Act", and the term "Article 133-3 paragraph (1)" in Article 132-13, item (iv) is deemed to be replaced with "Article 133-3, paragraph (1) as applied mutatis mutandis pursuant to Article 21-3 of the Civil Mediation Act".

(Concealing Parties' Domiciles and Identifying Information)

- Article 21-3 The provisions of Part I, Chapter VIII of the Code of Civil Procedure apply mutatis mutandis to petitions in mediation proceedings. In this case, the terms or phrases listed in the middle column of the following table that appear in the provisions of the Code of Civil Procedure as listed in the left-hand column of that table are to be replaced with the corresponding terms or

phrases listed in the right-hand column of that table.

Article 21-3 Re:

Article 133, paragraph (1)	party	party or intervenor (meaning a person who has participated in the mediation proceedings pursuant to the provisions of Article 11 of the Civil Mediation Act (including cases applied mutatis mutandis pursuant to Article 15 of the Act). The same applies in Article 133-4, paragraphs (1), (2), and (7))
Article 133, paragraph (3)	a case record, etc. (meaning a case record or a record of a case pertaining to a petition for the disposition set forth in paragraph (1) of Article 132-4; hereinafter the same shall apply in this Chapter)	mediation case records
	this inspection, etc. of a case record, etc. means inspection, etc. of a case record, inspection, etc. of a non-electronic or magnetic record of a disposition on the collection of evidence, or inspection, etc. of an electronic or magnetic record of a disposition on the collection of evidence	examining mediation case records (examining or copying, or issuing authenticated copies, transcripts, extracts, or reproductions of hardcopy case records (meaning those prescribed in Article 12-6, paragraph (1) of the Civil Mediation Act); or examining or copying electronic or magnetic case records (meaning those prescribed in Article 12-7, paragraph (1) of the Act; the same applies in the following Article), or issuing documents or electronic or magnetic records certifying all or part of the content of those case records

Article 133-2 paragraphs (1) through (3), Article 133-3 paragraph (1) and Article 133-4, paragraph (2)	(Inspection, etc. of Litigation Records, etc.)	examining mediation case records
Article 133-2, paragraph (2)	In the record of litigation	in mediation case records
Article 133-2, paragraph (5)	electronic or magnetic case records, etc. (meaning electronic or magnetic case records, or a part of the information recorded in a file contained in the records of a case for which the disposition under Article 132-4, paragraph (1) is filed; hereinafter the same applies in this paragraph and the following paragraph)	electronic or magnetic case records
	From electronic or magnetic records of litigation	from electronic or magnetic case records
Article 133-2, paragraph (6)	electronic or magnetic records	electronic or magnetic case records
Article 133-4 paragraph (1)	party, electronic or magnetic records	a party, intervenor, or a third party who has presented a prima facie showing of a conflict of interest--mediation case records

Article 133-4 paragraph (2)	party	party or intervenor
	the case records, etc. are kept	the mediation case records are kept
Article 133-4, paragraph (7)	party	party or intervenor

(Application Mutatis Mutandis of the Non-Contentious Case Procedures Act)

Article 22 Except as otherwise provided, the provisions of Part II of the Non-Contentious Case Procedures Act apply mutatis mutandis to mediation, unless contrary to its nature; provided, however, that this does not apply to the provisions of Articles 40, 42, 42-2, and 52 of that Act.

(Particulars Not Provided for in This Act)

Article 23 Important particulars not provided for in this Act concerning mediation are specified by the Supreme Court.

Section 2 Civil Mediators

(Appointment of Civil Mediators)

Article 23-2 (1) A civil mediator is appointed by the Supreme Court from among attorneys-at-law who have served in that capacity for not less than five years.

(2) A civil mediator performs duties necessary for processing mediation cases, as provided for by this Act.

(3) A civil mediator is to hold office for two years, and may be reappointed.

(4) A civil mediator serves on a part-time basis.

(5) A civil mediator is not to be dismissed during their term of office, except for in cases falling under any of the following items:

(i) if the civil mediator comes to fall under any of the items of Article 7 of the Attorneys Act (Act No. 205 of 1949);

(ii) if the civil mediator is found unable to perform their duties due to mental or physical disability; or

(iii) if the civil mediator is found to have violated an obligation in the course of their duties or engaged in any other misconduct rendering them unfit to serve as a civil mediator.

(6) Important particulars not provided for in this Act concerning the appointment and dismissal of civil mediators are specified by the Rules of the Supreme Court.

(Authority of Civil Mediators)

Article 23-3 (1) A civil mediator handles mediation cases as designated by the court.

(2) In the course of processing mediation cases that the civil mediator handles, they may exercise the authority prescribed in the proviso to paragraph (3) of the following Article and the authorities in relation to civil mediation or special mediation (including the authority vested in the chief mediator) provided as those to be exercised by a judge under the provisions of this Act (including the provisions of the Non-Contentious Case Procedures Act as applied *mutatis mutandis* pursuant to Article 22) and the provisions of the Act on Special Mediation for Expediting Arrangement of Specified Debts (Act No. 158 of 1999), and may also exercise the following authorities:

(i) authority in relation to civil mediation provided as that to be exercised by the court under the provisions of Article 4, the proviso to Article 5, paragraph (1), Article 7, paragraph (2), Article 8, paragraph (1), Article 16-2, paragraph (1), Article 17, Article 28 as applied *mutatis mutandis* pursuant to Article 30 (including as applied *mutatis mutandis* pursuant to Article 33), Article 34, and Article 35;

(ii) authority prescribed as that to be exercised by the court in civil mediation under the provisions of Article 92 of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to Article 12-9; Article 132-12 of that Act, as applied *mutatis mutandis* pursuant to Article 21-2, paragraph (1); Article 132-13 of the same Act as applied *mutatis mutandis* pursuant to Article 21-2, paragraph (2); and Chapter VIII of Part I of that Act, as applied *mutatis mutandis* pursuant to Article 21-3.

(iii) authority provided as that to be exercised by the court under the provisions of the Non-Contentious Case Procedures Act as applied *mutatis mutandis* pursuant to Article 22 (excluding the provisions of Article 13 and the main clause of Article 14, paragraph (3) of that Act (including as applied *mutatis mutandis* pursuant to Article 15 of that Act)), which relate to civil mediation; and

(iv) authority in relation to special mediation prescribed as that to be exercised by the court in the provisions of the Act on Special Mediation for Expediting Arrangement of Specified Debts.

(3) A civil mediator performs their duties independently.

(4) A civil mediator may, when exercising their authority, give orders to a court clerk as necessary concerning their duties. In this case, the provisions of Article 60, paragraph (5) of the Courts Act (Act No. 59 of 1947) apply *mutatis mutandis* to a court clerk who has received an order from a civil mediator.

(Disqualification of and Challenge to Civil Mediators)

Article 23-4 (1) With regard to the disqualification of and challenge to a civil mediator, the provisions of Article 11, Article 12, and Article 13, paragraphs (2) through (4), paragraph (8), and paragraph (9) of the Non-Contentious Case Procedures Act apply *mutatis mutandis*.

(2) If a judicial decision to dismiss a petition to challenge is made on any of the grounds stated in the items of Article 13, paragraph (5) of the Non-Contentious Case Procedures Act, the mediation proceedings are not stayed, notwithstanding the provisions of the main clause of paragraph (4) of that Article as applied *mutatis mutandis* pursuant to the preceding paragraph.

(3) A judicial decision on disqualification of or a challenge to a civil mediator is made by the court to which the civil mediator belongs, and a judicial decision on disqualification of or a challenge to a civil mediator who belongs to a summary court is made by the district court that has jurisdiction over the locality of the summary court; provided, however, that the judicial decision referred to in the preceding paragraph may be made by a civil mediator who has been challenged.

(Allowances for Civil Mediators)

Article 23-5 A civil mediator is paid an allowance as separately provided for by law and is also paid travel expenses, a daily allowance, and accommodation expenses as specified by the Supreme Court.

Chapter II Special Provisions

Section 1 Real Estate Mediation

(Real Estate Mediation Cases and Relevant Jurisdiction)

Article 24 A mediation case involving a dispute over a lease or other relationship concerning the use of a building lot or a building is to be under the jurisdiction of the summary court that has jurisdiction over the location of the building lot or the building in dispute, or the district court that has jurisdiction over the location as determined by agreement of the parties.

(Mediation Prior to Litigation in Cases in Which an Increase or Decrease in Rent is Claimed)

Article 24-2 (1) A person who seeks to file an action to claim an increase or decrease in the amount of rent for land referred to in Article 11 of the Act on Land and Building Leases (Act No. 90 of 1991) or to claim an increase or decrease in the amount of rent for a building referred to in Article 32 of that Act must first file a petition for mediation.

(2) If a person files an action in the case referred to in the preceding paragraph

without first filing a petition for mediation, the court in charge of the case must refer the case for mediation; provided, however, that this does not apply if the court in charge of the case finds it unsuitable to refer the case for mediation.

(Terms of Mediation Determined by the Mediation Committee in Cases in Which an Increase or Decrease in Rent Is Claimed)

- Article 24-3 (1) In the mediation case involving the claim referred to in paragraph (1) of the preceding Article, if there is no likelihood of an agreement being reached between the parties or if the mediation committee finds that the agreement reached is inappropriate, and there is a written agreement between the parties to the effect that they will obey the terms of mediation determined by a mediation committee (limited to the agreement reached after the petition for mediation was filed concerning the mediation case), the mediation committee may, upon petition, determine the terms of mediation that are appropriate for the resolution of the case.
- (2) If an agreement to submit to the terms of mediation determined by the mediation committee stated in the preceding paragraph is made by means of electronic or magnetic records in which its content is recorded in, the agreement is deemed to have been executed by means of a paper document and the provisions of that paragraph apply.
- (3) If an electronic record of the terms of mediation referred to in paragraph (1) is created and recorded in the court's computer files, the mediation is deemed to have been achieved, and the record has the same effect as a judicial settlement.

Section 2 Agricultural Mediation

(Agricultural Mediation Cases)

Article 25 A mediation case involving a dispute over a lease or other relationship related to the use of farmland, or land, buildings or other agricultural assets incidental to farm management (hereinafter referred to as "farmland") are to be governed by the provisions of this Section, in addition to the provisions of the preceding Chapter.

(Jurisdiction)

Article 26 The mediation case stated in the preceding Article is to be under the jurisdiction of the district court that has jurisdiction over the location of the farmland which is in dispute, or the summary court that has jurisdiction over the location as determined by agreement of the parties.

(Statement of Opinions by Ministerial Farmland Officials)

Article 27 (1) A ministerial or prefectural farmland official may state their opinions to a mediation committee on the date of appearance for mediation proceedings or on an occasion other than that date.

(2) After hearing the opinions of the relevant parties and finding it appropriate to do so, a mediation committee may have a ministerial or prefectural farmland official state the opinions stated in the preceding paragraph on the date stated in that paragraph by audio transmission that enables the mediation committee and relevant parties to communicate with the officials simultaneously with one another, pursuant to the provisions of the Rules of the Supreme Court.

(Hearing of Opinions from Ministerial Farmland Officials)

Article 28 If a mediation committee seeks to carry out mediation, it must hear the opinions of a ministerial or prefectural farmland official.

(Application Mutatis Mutandis to Mediation by a Judge)

Article 29 The provisions of the preceding two Articles apply mutatis mutandis to cases in which mediation is carried out only by a judge.

(Application Mutatis Mutandis to Transfers)

Article 30 The provisions of Article 28 apply mutatis mutandis to cases in which the court seeks to transfer the case to another court or to process the case by itself pursuant to the provisions of the proviso to Article 4, paragraph (1) or paragraph (3) of that Article, or if the court seeks to issue an order referred to in Article 17.

Section 3 Commercial Mediation

(Terms of Mediation Determined by the Mediation Committee in Commercial Mediation Cases)

Article 31 The provisions of Article 24-3 apply mutatis mutandis to commercial mediation cases.

Section 4 Mining Pollution Mediation

(Mining Pollution Mediation Cases and Relevant Jurisdiction)

Article 32 A mediation case involving a dispute over compensation for mining pollution as prescribed in the Mining Act (Act No. 289 of 1950) is to be under the jurisdiction of the district court that has jurisdiction over the place where the damage occurred.

(Application Mutatis Mutandis of the Provisions on Agricultural Mediation)

Article 33 The provisions of Article 24-3 and Articles 27 through 30 apply mutatis mutandis to mediation cases referred to in the preceding Article. In this case, the phrase "ministerial or prefectural farmland official" in Articles 27 and 28 is deemed to be replaced with "director-general of a regional bureau of economy, trade and industry".

Section 5 Traffic Accident Mediation

(Traffic Accident Mediation Cases and Relevant Jurisdiction)

Article 33-2 A mediation case involving a dispute over compensation for damages for the death or physical injury of a person caused by driving an automobile is to be under the jurisdiction of the summary court that has jurisdiction over the location of the domicile or residence of the person claiming damages, in addition to the court provided for in Article 3.

Section 6 Pollution Mediation

(Pollution Mediation Cases and Relevant Jurisdiction)

Article 33-3 A mediation case involving a dispute over damages arising from pollution or infringement of the right to sunlight, ventilation, or other living environment-related rights is to be under the jurisdiction of the summary court that has jurisdiction over the place where the damage occurred or is likely to occur, in addition to the court provided for in Article 3.

Section 7 Intellectual Property Mediation

Article 33-4 A mediation case involving intellectual property disputes is to be under the jurisdiction of the court prescribed in Article 3, in addition to the court listed in the following items if it holds relevant jurisdiction as provided for in that Article (excluding the part covering jurisdiction agreed upon by the relevant parties as provided in paragraph (1) of the that Article).

- (i) A summary court located within the jurisdictional district of the Tokyo High Court, Nagoya High Court, Sendai High Court, or Sapporo High Court: the Tokyo District Court;
- (ii) A summary court located within the jurisdictional district of Osaka High Court, Hiroshima High Court, Fukuoka High Court, or Takamatsu High Court: the Osaka District Court

Chapter III Penal Provisions

(Sanctions for Nonappearance)

Article 34 If a person related to a case is summoned to appear by the court or the mediation committee and fails to appear without legitimate grounds, that person is subject to a civil fine of not more than 50,000 yen.

(Penalty for Noncompliance with Measures)

Article 35 If a party or participant does not comply with the measure ordered under the provisions of Article 12 (including as applied *mutatis mutandis* pursuant to Article 15) without legitimate grounds, the party or participant is subject to a civil fine of not more than 100,000 yen.

(Orders for Civil Fines)

Article 36 (1) An order of a civil fine as referred to in the preceding two Articles is to be executed based on a direction issued by a judge. This direction has the same effect as an enforceable title of obligation.

(2) Beyond what is provided for in the preceding paragraph, the provisions of Part V of the Non-Contentious Case Procedures Act (excluding the provisions of Article 119 and Article 121, paragraphs (1) and (3) of that Act and the provisions of Articles 120 and 122 of that Act concerning a prosecutor) and the provisions of the main clause of Article 508, paragraph (1) and (2), and Article 514 of the Code of Criminal Procedure (Act No. 131 of 1948) apply *mutatis mutandis* to an order for a civil fine.

(Crime of Divulging Confidential Information on Proceedings of Deliberations)

Article 37 If a civil mediation commissioner or a person who has held the post divulges any information on the proceedings of deliberations of the committee, the opinions of the chief mediator or civil mediation commissioner, or the number of opinions constituting the majority and the minority, they are subject to a fine of up to 300,000 yen.

(Crime of Divulging Personal Confidential Information)

Article 38 If a civil mediation commissioner or a person who has held the post divulges any personal confidential information that has come to their knowledge in relation to the matters they have handled in the course of their duties without legitimate grounds, they are subject to imprisonment for up to one year or a fine of up to 500,000 yen.