

# **Order for Enforcement of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures**

(Cabinet Order No. 394 of December 23, 2022)

The Cabinet hereby enacts this Cabinet Order based on the provisions of Article 7, Article 16, paragraph (1), item (i), and paragraph (4), item (i), Article 26, items (v) and (viii), Article 28, paragraph (5), Article 30, paragraphs (1) through (3), and Article 34, paragraph (7) of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Act No. 43 of 2022) and for the purpose of implementing that Act.

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## **Chapter I Ensuring Stable Supply of Specified Critical Products**

(Designation of Specified Critical Products)

Article 1 The following products are designated as specified critical products based on the provisions of Article 7 of the Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (referred to as "the Act" below, except in Article 3, item (xiii)):

- (i) antimicrobial substance preparations;
- (ii) fertilizers;
- (iii) permanent magnets;
- (iv) machine tools and industrial robots;
- (v) aircraft parts (limited to those constituting aircraft engines or airframes);
- (vi) semiconductor devices and integrated circuits;
- (vii) secondary batteries;
- (viii) computer programs used for the system to provide computers (including an input and output device) to be used for information processing by another person via the internet or any other advanced information and telecommunications network;
- (ix) combustible natural gas;

- (x) metallic mineral products (limited to manganese, nickel, chromium, tungsten, molybdenum, cobalt, niobium, tantalum, antimony, lithium, boron, titanium, vanadium, strontium, rare earth metals, platinum group metals, beryllium, gallium, germanium, selenium, rubidium, zirconium, indium, tellurium, cesium, barium, hafnium, rhenium, thallium, bismuth, graphite, fluorine, magnesium, silicon, phosphorus, and uranium);
- (xi) marine equipment (limited to marine engines, navigational instruments, and propelling gear); and
- (xii) capacitors and wave filters.

(Designated Financial Institutions)

Article 2 The financial institutions provided for by Cabinet Order which are prescribed in Article 16, paragraph (1), item (i) of the Act are as follows:

- (i) a bank;
- (ii) a long-term credit bank;
- (iii) a Shinkin Bank and a federation of Shinkin Banks;
- (iv) a credit cooperative and a federation of cooperatives (limited to those that conduct both of the businesses referred to in Article 9-9, paragraph (1), item (i) and item (ii) of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949));
- (v) a labor bank and a federation of labor banks;
- (vi) an agricultural cooperative (limited to one that concurrently conducts the business referred to in Article 10, paragraph (1), items (ii) and (iii) of the Agricultural Cooperatives Act (Act No. 132 of 1947)) and a federation of agricultural cooperatives (limited to one that concurrently conducts the business referred to in items (ii) and (iii) of that paragraph);
- (vii) a fishery cooperative (limited to one that concurrently conducts the business referred to in Article 11, paragraph (1), items (iii) and (iv) of the Fishery Industry Cooperative Act (Act No. 242 of 1948)), a federation of fishery cooperatives (limited to one that concurrently conducts the business referred to in Article 87, paragraph (1), items (iii) and (iv) of that Act), a marine product processing cooperatives (limited to one that concurrently conducts the business referred to in Article 93, paragraph (1), items (i) and (ii) of that Act), and a federation of marine product processing cooperatives (limited to one that concurrently conducts the business referred to in Article 97, paragraph (1), items (i) and (ii) of that Act);
- (viii) The Norinchukin Bank;
- (ix) The Shoko Chukin Bank, Ltd.; or
- (x) Development Bank of Japan, Inc.

(Acts that Form a Standard for Designating Designated Financial Institutions)

Article 3 The laws prescribed by Cabinet Order referred to in Article 16, paragraph (4), item (i) of the Act are as follows:

- (i) Agricultural Cooperatives Act;
- (ii) Fishery Industry Cooperatives Act;
- (iii) Small and Medium-Sized Enterprise Cooperatives Act;
- (iv) Act on Financial Businesses by Cooperatives (Act No. 183 of 1949);
- (v) Shinkin Bank Act (Act No. 238 of 1951);
- (vi) Long-Term Credit Bank Act (Act No. 187 of 1952);
- (vii) Labor Bank Act (Act No. 227 of 1953);
- (viii) Banking Act (Act No. 59 of 1981);
- (ix) Norinchukin Bank Act (Act No. 93 of 2001);
- (x) Japan Finance Corporation Act (Act No. 57 of 2007);
- (xi) Shoko Chukin Bank Limited Act (Act No. 74 of 2007);
- (xii) Act on Development Bank of Japan Inc. (Act No. 85 of 2007); and
- (xiii) Act on the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures.

(Application of the Order for Enforcement of the Japan Finance Corporation Act)

Article 4 In applying the provisions of Article 30, paragraph (1) and Article 31, paragraphs (1) and (2) of the Order for Enforcement of the Japan Finance Corporation Act (Cabinet Order No. 143 of 2008) when the operations to facilitate the promotion of supply support prescribed in Article 13, paragraph (1), item (i) of the Act is conducted, the term "Article 59, paragraph (1) of the Act" in Article 30, paragraph (1) of that Order is deemed to be replaced with "Article 59, paragraph (1) of the Act as applied pursuant to Article 25, paragraph (2) of the Act for the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures (Act No. 43 of 2022) following the deemed replacement of terms" and the term "Article 59, paragraph (1) of the Act" in the items of Article 31, paragraph (1) and paragraph (2) of that Order is deemed to be replaced with "Article 59, paragraph (1) of the Act as applied pursuant to Article 25, paragraph (2) of the Act for the Promotion of Ensuring National Security Through Integrated Implementation of Economic Measures following the deemed replacement of terms".

(Scope of Small and Medium-Sized Enterprises)

Article 5 (1) The business types prescribed by Cabinet Order referred to in Article 26, item (v) of the Act and the amount of stated capital or the total amount of contributions, and the number of regularly hired employees for each type of business are as shown in the following Table:

	Business Type	Amount of Stated Capital or Total Amount of Contributions	Number of Regularly Hired Employees
(i)	Rubber product manufacturing industry (excluding industry of manufacturing industry tires and tubes for automobiles and aircraft, and industry of manufacturing industrial belts)	300million yen	900
(ii)	Software business or information processing service business	300 million yen	300
(iii)	Hotel business	50 million yen	200

(2) The cooperatives or their federations specified by Cabinet Order referred to in Article 26, item (viii) of the Act are as follows:

- (i) a business cooperative, a small business cooperative, and a federation of cooperatives;
- (ii) an agricultural cooperative and a federation of agricultural cooperatives;
- (iii) a fishery cooperative, a federation of fishery cooperatives, a marine product processing industry cooperative, and a federation of marine product processing industry cooperatives;
- (iv) a forestry cooperative and a federation of forestry cooperatives;
- (v) a commercial and industrial cooperative and a federation of commercial and industrial cooperatives;
- (vi) a shopping district promotion association or a federation of shopping district promotion associations;
- (vii) an environmental health industry cooperative, a small environmental health industry cooperative, and a federation of environmental health industry cooperatives, for which two thirds or more of the direct or indirect members are corporations whose amount of stated capital or total amount of contributions is not more than 50 million yen (for an enterprise whose main business is wholesale business, 100 million yen), or those who regularly employ not more than 50 employees (for an enterprise whose main business is wholesale business or service industry, 100 employees);
- (viii) a Sake brewers association, a federation of Sake brewers associations, and the Japan Sake Brewers Association for which two thirds or more of the direct or indirect members that are Sake brewers, are corporations whose amount of the stated capital or total amount of contributions is not more than 300 million yen, or the persons who regularly employ not more than 300 employees, and a Sake merchants cooperative, a federation of Sake merchant cooperatives, and the All Japan Liquor Merchants Association, for which two

thirds or more of the direct or indirect members that are liquor retailers, are corporations whose amount of stated capital or total amount of contributions is not more than 50 million yen (for a liquor wholesaler, 100 million yen), or those who regularly employ not more than 50 employees (for a liquor retailer, 100 employees);

- (ix) a coastal shipping association or a federation of coastal shipping associations, for which two thirds or more of the direct or indirect members that are engaged in the coastal shipping business, are corporations whose amount of stated capital or total amount of contributions is not more than 300 million yen, or those who regularly employ not more than 300 employees; and
- (x) a research and development partnership for which two thirds or more of its direct or indirect members fall under persons referred to in Article 26, items (i) through (vii) or item (ix) of the Act.

(Insurance Premium Rate)

Article 6 (1) The rate specified by Cabinet Order referred to in Article 28, paragraph (5) of the Act (referred to as "insurance premium rate" in the following paragraph) per year during a guaranteed period of borrowing (meaning the period of borrowing as defined in Article 2, paragraph (1) of the Order for Enforcement of the Small and Medium-Sized Enterprise Credit Insurance Act (Cabinet Order No. 350 of 1950)) is 0.41% for the ordinary insurance prescribed in Article 3, paragraph (1) of the Small and Medium-Sized Enterprise Credit Insurance Act (Act No. 264 of 1950), and the unsecured insurance prescribed in Article 3-2, paragraph (1) of that Act (referred to as "unsecured insurance" in the following paragraph) (for a negotiable instrument discount special guarantee (meaning the negotiable instrument discount special guarantee as defined in Article 2, paragraph (1) of that Order; the same applies below in this paragraph) and an overdraft special guarantee (meaning the overdraft special guarantee as defined in Article 2, paragraph (1) of that Order; the same applies below in this paragraph), 0.35%), and 0.19% for the special petty insurance prescribed in Article 3-3, paragraph (1) of that Act (for a negotiable instrument discount special guarantee and an overdraft special guarantee, 0.15%).

- (2) Notwithstanding the provisions of the preceding paragraph, the insurance premium rate for the insurance based on the unsecured insurance when a small and medium-sized enterprise that has received a guarantee of the obligations is a corporation satisfying the requirements specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 3-2, paragraph (1) of the Small and Medium-Sized Enterprise Credit Insurance Act is the rate specified in the preceding paragraph to which 0.0625% is added.

(Procedure for Requesting Investigations)

Article 7 When making a request under the provisions of Article 30, paragraphs (1) through (3) of the Act, the competent minister is to submit necessary evidence for determining whether or not to initiate an investigation prescribed in Article 7, paragraph (6), Article 8, paragraph (5) or Article 9, paragraph (6) of the Customs Tariff Act (Act No. 54 of 1910) to the Minister of Finance. In such a case, if the competent minister requests all or part of the evidence to be treated as confidential, the minister must also submit a document stating that fact and the reasons.

(Procedures for Making a Payment Under the Provisions of Article 34,  
Paragraph (6) of the Act)

Article 8 (1) If a stable supply support corporation receives an order under the provisions of Article 34, paragraph (6) of the Act, it must pay the national treasury the amount specified by the competent minister as an amount equivalent to the amount the stable supply support corporation finds to be necessary for smoothly implementing the operations related to the stable supply support corporation fund out of the amount of the stable supply support corporation fund prescribed in paragraph (1) of the Article, as a payment under the provisions of paragraph (6) of the Article (referred to as the "payment" below in this Article), by the date designated by the competent minister.

(2) When the competent minister specifies the amount of the payment pursuant to the provisions of the preceding paragraph, the minister must consult the Minister of Finance in advance.

(3) The payment (excluding the payment prescribed in the following paragraph) belongs to the general account.

(4) The payment related to the specified critical products stated in Article 1, item (ix) is attributed to the account for supply and demand of energy of the Special Accounts for Energy Measures.

## **Chapter II Ensuring the Stable Provision of Specified Essential Infrastructure Services**

(Specified Essential Infrastructure Business)

Article 9 The businesses prescribed by Cabinet Order referred in Article 50, paragraph (1) of the Act are as follows:

(i) among electricity businesses provided for in Article 2, paragraph (1), item (xvi) of the Electricity Business Act (Act No. 170 of 1964), general electricity transmission and distribution business provided for in item (viii) of that paragraph, electricity transmission business provided for in item (x) of that

- paragraph, electricity distribution business provided for in item (xi)-2 of that paragraph, electricity generation business provided for in item (xiv) of that paragraph, and specified wholesale electricity supply business provided for in item (xv)-3 of that paragraph;
- (ii) among the gas businesses provided for in Article 2, paragraph (11) of the Gas Business Act (Act No. 51 of 1954), general gas pipeline service business provided for in paragraph (5) of that Article, specified gas pipeline service business provided for in paragraph (7) of that Article, and gas manufacturing business provided for in paragraph (9) of that Article;
  - (iii) oil refinery business provided for in Article 2, paragraph (5) of the Oil Stockpiling Act (Act No. 96 of 1975) and petroleum gas import business provided for in paragraph (9) of that Article;
  - (iv) water supply business provided for in Article 3, paragraph (2) of the Water Supply Act (Act No. 177 of 1957) (excluding small-scale simple water supply business provided in paragraph (3) of that Article), and wholesale water supply service provided for in paragraph (4) of that Article;
  - (v) Type I railway business provided for in Article 2, paragraph (2) of the Railway Business Act (Act No. 92 of 1986);
  - (vi) general motor truck transportation business provided for in Article 2, paragraph (2) of the Motor Truck Transportation Business Act (Act No. 83 of 1989);
  - (vii) among cargo liner service businesses provided for in Article 2, paragraph (4) of the Marine Transportation Act (Act No. 187 of 1949) and irregular route businesses provided for in paragraph (6) of that Article, those that mainly transports cargo between Japanese ports and ports in regions outside of Japan;
  - (viii) international air transport business as defined in Article 2, paragraph (19) of the Civil Aeronautics Act (Act No. 231 of 1952) and domestic scheduled air transport service business as defined in Article 2, paragraph (20) of that Article;
  - (ix) businesses of establishing and managing airports (meaning airports provided for in Article 2 of the Airport Act (Act No. 80 of 1956); the same applies below in this item), and a public facility, etc. operating project provided for in Article 2, paragraph (6) of the Act on Promotion of Development of Public Facilities Through Utilizing Private Finance for Airports (Act No. 117 of 1999);
  - (x) telecommunications business provided for in Article 2, item (iv) of the Telecommunications Business Act (Act No. 86 of 1984) (excluding telecommunication business stated in the items of Article 164, paragraph (1) of that Act);
  - (xi) among broadcasting businesses, those that conduct basic terrestrial

- broadcasting as defined in Article 2, item (xv) of the Broadcasting Act (Act No. 132 of 1950);
- (xii) postal business;
- (xiii) among businesses related to finance, those stated as follows:
- (a) among businesses that perform any of the acts stated in the items of Article 2, paragraph (2) of the Banking Act, those stated as follows:
    - 1. banking provided for in Article 2, paragraph (2) of the Banking Act;
    - 2. businesses conducted based on the provisions of Article 54, paragraphs (1) and (2) of the Shinkin Bank Act;
    - 3. businesses conducted based on the provisions of Article 58, paragraph (1) and Article 58-2, paragraph (1) (limited to the parts related to items (i) through (iv)) of the Labor Bank Act;
    - 4. businesses conducted based on the provisions of Article 9-9, paragraph (1) of the Small and Medium-Sized Enterprise Cooperatives Act (limited to the parts related to items (i) and (ii) (limited to the parts related to lending of funds to members) of that paragraph) and paragraph (6) of that Article (limited to the part related to item (i) (limited to the parts related to Article 9-8, paragraph (2), item (i), item (ii), item (iv), and item (v) of that Act));
    - 5. businesses conducted based on the provisions of Article 54, paragraphs (1) and (2) of the Norinchukin Bank Act;
    - 6. fund transfer business provided for in Article 2, paragraph (2) of the Payment Services Act (Act No. 59 of 2009);
  - (b) insurance business provided for in Article 2, paragraph (1) of the Insurance Business Act (Act No. 105 of 1995);
  - (c) business of establishing a financial instruments exchange market provided for in Article 2, paragraph (17) of the Financial Instruments and Exchange Act (Act No. 25 of 1948), financial instruments obligation assumption services provided for in paragraph (28) of that Article, and type-I financial instruments business provided for in Article 28, paragraph (1) of that Act;
  - (d) trust business provided for in Article 2, paragraph (1) of the Trust Business Act (Act No. 154 of 2004);
  - (e) fund clearing services provided for in Article 2, paragraph (20) of the Payment Services Act, and business of issuing prepaid payment instruments for third-parties provided for in Article 3, paragraph (5) of that Act (excluding those stated in the items of Article 4 of that Act);
  - (f) business of conducting services provided for in Article 34 of the Deposit Insurance Act (Act No. 34 of 1971), and business of conducting services provided for in Article 34 of the Agricultural and Fishery Cooperatives Savings Insurance Act (Act No. 53 of 1973);



- (g) book-entry transfer business provided for in Article 3, paragraph (1) of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001);
- (h) electronic monetary claims recording business provided for in Article 51, paragraph (1) of the Electronically Recorded Monetary Claims Act (Act No. 102 of 2007);
- (xiv) business of conducting intermediation services of comprehensive credit purchases provided for in Article 2, paragraph (3) of the Installment Sales Act (Act No. 159 of 1961).

(Persons Prescribed by Cabinet Order Referred to in Article 52, Paragraph (1) of the Act)

Article 10 (1) The person prescribed by Cabinet Order referred to in Article 52, paragraph (1) of the Act is as follows:

- (i) a person found to be substantially the same as a specified essential infrastructure service provider that installs specified critical facilities;
  - (ii) a national government organization;
  - (iii) a local government;
  - (iv) an incorporated administrative agency provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999);
  - (v) a local incorporated administrative agency provided for in Article 2, paragraph (1) of the Act on Local Incorporated Administrative Agencies (Act No. 118 of 2003) (excluding public university corporations provided for in Article 68, paragraph (1) of that Act).
- (2) The person found to be substantially the same as a specified essential infrastructure service provider that installs specified critical facilities provided for in item (i) of the preceding paragraph means a subsidiary corporation, etc. for which the parent corporation, etc. is the specified essential infrastructure service provider.
- (3) The term "parent corporation, etc." as used in the preceding paragraph means a corporation, etc. specified by order of the competent ministry as a corporation, etc. that controls an organ that decides financial policies and operational or business policies of another corporation, etc. (meaning a company partnership, or other equivalent business entities; the same applies below in this paragraph) (the organ means a shareholders meeting or other equivalent organs; referred to as a "decision-making body" below in this paragraph), and the term "subsidiary corporation, etc." as used in the preceding paragraph means another corporation, etc. whose decision-making body is controlled by the parent corporation, etc. In such a case, when the parent corporation, etc. and the subsidiary corporation, etc., or the subsidiary corporation, etc. control

a decision-making body of another corporation, etc., that other corporation, etc. is deemed to be a subsidiary corporation, etc. of the parent corporation, etc.

(Method of Notice)

Article 11 The notice under the provisions of Article 52, paragraph (7) of the Act must be given through the procedures specified by order of the competent ministry.

### **Chapter III Non-Disclosure of Patent Applications**

(Inventions for which Relevant Documents Must be Sent to the Prime Minister)

Article 12 (1) The technology fields prescribed by Cabinet Order in compliance with the international patent classification (meaning international patent classification under the provisions of Article 1 of the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971 (referred to as "the Agreement" below in this paragraph)) referred to in Article 66, paragraph (1) of the Act or a classification divided in accordance with the international patent application are the following technology fields:

- (i) among the technology fields falling under the symbol B01D59 provided for in Article 4 (3) of the Agreement that indicate the items of the international patent classification (referred to as the "international patent classification symbols" below in this paragraph and the following paragraph) one that concerns uranium or plutonium;
- (ii) the technology field falling under the international patent classification symbol B63B3/13 ;
- (iii) the technology field falling under the international patent classification symbol B63C7/26, and, the international patent classification symbol B63G;
- (iv) the technology field falling under the international patent classification symbol B63C7/26, and, the international patent classification symbol F41;
- (v) the technology field falling under the international patent classification symbol B63C11/00, and the international patent classification symbol G05D;
- (vi) the technology field falling under the international patent classification symbol B63C11/48, and the international patent classification symbol B63G;
- (vii) the technology field falling under the international patent classification symbol B63C11/48, and, the international patent classification symbol F41;
- (viii) the technology field falling under the international patent classification symbol B63G, and, the international patent classification symbol G01S1/72, G01S1/74, G01S1/76, G01S1/78, G01S1/80, or G01S1/82;
- (ix) the technology field falling under the international patent classification symbol B63G, and, the international patent classification symbol G01S3/80, G01S3/801, G01S3/802, G01S3/803, G01S3/805, G01S3/807, G01S3/808,

- G01S3/809, G01S3/82, G01S3/84, or G01S3/86;
- (x) the technology field falling under the international patent classification symbol B63G, and, the international patent classification symbol G01S5/18, G01S5/20, G01S5/22, G01S5/24, G01S5/26, G01S5/28, or G01S5/30;
  - (xi) the technology field falling under the international patent classification symbol B63G, and, the international patent classification symbol G01S7/52, G01S7/521, G01S7/523, G01S7/524, G01S7/526, G01S7/527, G01S7/529, G01S7/53, G01S7/531, G01S7/533, G01S7/534, G01S7/536, G01S7/537, G01S7/539, G01S7/54, G01S7/56, G01S7/58, G01S7/60, G01S7/62, or G01S7/64;
  - (xii) the technology field falling under the international patent classification symbol B63G, and, the international patent classification symbol G01S15;
  - (xiii) the technology field falling under the international patent classification symbol B63G8/00, B63G8/04, B63G8/06, B63G8/08, B63G8/10, B63G8/12, B63G8/14, B63G8/16, B63G8/18, B63G8/20, B63G8/22, B63G8/24, B63G8/26, B63G8/28, B63G8/30, B63G8/32, B63G8/33, B63G8/34, B63G8/38, or B63G8/39;
  - (xiv) the technology field falling under the international patent classification symbol B64, and, the international patent classification symbol F41H3/00;
  - (xv) the technology field falling under the international patent classification symbol B64C39/02, and, the international patent classification symbol F41;
  - (xvi) the technology field falling under the international patent classification symbol B64C39/02, and, the international patent classification symbol F42;
  - (xvii) the technology field falling under the international patent classification symbol B64G1/58, B64G1/62, B64G1/64 or B64G1/68;
  - (xviii) the technology field falling under the international patent classification symbol B64G3;
  - (xix) the technology field falling under the international patent classification symbol B64U, and, the international patent classification symbol F41;
  - (xx) the technology field falling under the international patent classification symbol B64U, and, the international patent classification symbol F42;
  - (xxi) the technology field falling under the international patent classification symbol C01B5/02;
  - (xxii) the technology field falling under the international patent classification symbol C06D7;
  - (xxiii) the technology field falling under the international patent classification symbol F02K7/14;
  - (xxiv) the technology field falling under the international patent classification symbol F02K9/08, F02K9/10, F02K9/12, F02K9/14, F02K9/16, F02K9/18, F02K9/20, F02K9/22, F02K9/24, F02K9/26, F02K9/28, F02K9/30, F02K9/32, F02K9/34, F02K9/36, F02K9/38, or F02K9/40;

- (xxv) the technology field falling under the international patent classification symbol F41, and, the international patent classification symbol G01S1/72, G01S1/74, G01S1/76, G01S1/78, G01S1/80, or G01S1/82;
- (xxvi) the technology field falling under the international patent classification symbol F41, and, the international patent classification symbol G01S3/80, G01S3/801, G01S3/802, G01S3/803, G01S3/805, G01S3/807, G01S3/808, G01S3/809, G01S3/82, G01S3/84, or G01S3/86;
- (xxvii) the technology field falling under the international patent classification symbol F41, and, the international patent classification symbol G01S5/18, G01S5/20, G01S5/22, G01S5/24, G01S5/26, G01S5/28, or G01S5/30;
- (xxviii) the technology field falling under the international patent classification symbol F41, and, the international patent classification symbol G01S7/52, G01S7/521, G01S7/523, G01S7/524, G01S7/526, G01S7/527, G01S7/529, G01S7/53, G01S7/531, G01S7/533, G01S7/534, G01S7/536, G01S7/537, G01S7/539, G01S7/54, G01S7/56, G01S7/58, G01S7/60, G01S7/62, or G01S7/64;
- (xxix) the technology field falling under the international patent classification symbol F41, and, G01S15;
- (xxx) the technology field falling under the international patent classification symbol F41, and, the international patent classification symbol G05D;
- (xxxi) the technology field falling under the international patent classification symbol F41B6;
- (xxxii) the technology field falling under the international patent classification symbol F41G7;
- (xxxiii) the technology field falling under the international patent classification symbol F41H11/02;
- (xxxiv) the technology field falling under the international patent classification symbol F41H13;
- (xxxv) the technology field falling under the international patent classification symbol F42, and, the international patent classification symbol G05D;
- (xxxvi) the technology field falling under the international patent classification symbol F42B5/145;
- (xxxvii) the technology field falling under the international patent classification symbol F42B10;
- (xxxviii) the technology field falling under the international patent classification symbol F42B12/46, F42B12/48, F42B12/50, F42B12/52, or F42B12/54;
- (xxxix) the technology field falling under the international patent classification symbol F42B15;
- (xl) among the technology fields falling under the international patent classification symbol G01J1/02, G01J1/04, G01J1/06, or G01J1/08, one that

- concerns quantum dots or superlattices;
  - (xli) the technology field falling under the international patent classification symbol G06F21/86 or G06F21/87;
  - (xlii) the technology field falling under the international patent classification symbol G21C19/33, G21C19/34, G21C19/36, G21C19/365, G21C19/37, G21C19/375, G21C19/38, G21C19/40, G21C19/42, G21C19/44, G21C19/46, G21C19/48, or G21C19/50;
  - (xliii) the technology field falling under the international patent classification symbol G21J1;
  - (xliv) the technology field falling under the international patent classification symbol G21J3;
  - (xlv) among the technology fields falling under H01L27/14, H01L27/142, H01L27/144, H01L27/146, or H01L27/148, one that concerns quantum dots or superlattices; and
  - (xlvi) among the technology fields falling under the international patent classification symbol H01L31/08, H01L31/09, H01L31/10, H01L31/101, H01L31/102, H01L31/103, H01L31/105, H01L31/107, H01L31/108, H01L31/109, H01L31/11, H01L31/111, H01L31/112, H01L31/113, H01L31/115, H01L31/117, H01L31/118, or H01L31/119, one that concerns quantum dots or superlattices;
  - (xlvii) the technology field falling under the international patent classification symbol H04K3.
- (2) Among the specified technology fields referred to in Article 66, paragraph (1) of the Act, those prescribed by Cabinet Order as technology fields that are found to have a significant impact on the development of industry if a security designation is made are the technology fields stated in item (ii), item (iii), item (v), item (vi), items (viii) through (xii), item (xiii) of the preceding paragraph (excluding the parts related to the international patent classification symbols B63G8/28, B63G8/30, B63G8/32, and B63G8/33), item (xvii), item (xviii), item (xxiii), item (xxiv), item (xl), item (xli), and items (xlv) through (xlvii) of the preceding paragraph (excluding the parts falling under the technology fields stated in item (i), item (iv), item (vii), item (xiii) of the preceding paragraph (limited to the parts related to the international patent classification symbols B63G8/28, B63G8/30, B63G8/32, and B63G8/33), items (xiv) thorough (xvi), items (xix) through (xxii), items (xxv) through (xxxix), and items (xlii) through (xliv) of the preceding paragraph).
- (3) The requirements prescribed by Cabinet Order referred to in Article 66, paragraph (1) of the Act are inventions falling under any of the following items:
- (i) an invention to be used for the defense of Japan or for military purposes of foreign countries;

- (ii) an invention related to a patent application filed by the State or a national research and development agency (meaning the national research and development agency provided in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies; the same applies below in this item and the following item) (excluding a patent application jointly filed with a person other than the State or a national research and development agency);
- (iii) an invention associated with the results of technology-related research and development which has been entrusted to another person by the State or a national research and development agency, or associated with software development contracted out by the State or a national research and development agency, which the State or the national research and development agency has decided not to acquire the right to be granted a patent for the invention pursuant to the provisions of Article 17, paragraph (1) of the Industrial Technology Enhancement Act (Act No. 44 of 2000) (if the national research and development agency has entrusted or contracted out the research or development, paragraph (1) of that Article as applied mutatis mutandis pursuant to paragraph (2) of that Article);
- (iv) an invention associated with the results of technology-related research and development which has been entrusted to another person by the State, which the State has decided to acquire only part of the right to be granted a patent for the invention pursuant to the provisions of Article 22 (limited to the part related to item (i)) of the Act on Vitalizing the Creation of Scientific Technology and Innovation (Act No. 63 of 2008).

(Period for Sending Documents to the Prime Minister)

Article 13 The period specified by Cabinet Order referred to in Article 66, paragraph (1) of the Act is three months.

(Exception to the Prohibition of Filing Foreign Applications)

Article 14 The applications prescribed by Cabinet Order referred to in Article 78, paragraph (1) of the Act are the following patent applications:

- (i) if a patent application stating an invention for which a security designation has been made in Japan (meaning the security designation provided for in Article 70, paragraph (2) of the Act) pursuant to the provisions of Article 3 of the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense filed in the United States is to be treated in a similar manner, the patent application to be filed in the United States;
- (ii) when, pursuant to the provisions of Article 21-3 of the Agreement Among

the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, Japanese laws concerning secrecy of inventions may not be applied for the purpose of preventing filing of a patent application in partner countries other than Japan, the patent application to be filed in that partner country;

(iii) when, pursuant to the provisions of Article 9, G of the Framework Agreement between the Government of Japan and the Government of the United States of America for Cooperation in the Exploration and Use of Outer Space, Japanese laws concerning secrecy of inventions may not be applied for the purpose of preventing filing of a patent application in the United States, the patent application to be filed in the United States.

(Period for Prohibition of Filing Foreign Applications)

Article 15 The period specified by Cabinet Order referred to in the proviso to Article 78, paragraph (1) of the Act is ten months.

(Fee for Prior Confirmation on Prohibition of Filing Foreign Applications)

Article 16 The fee specified by Cabinet Order referred to in Article 79, paragraph (5) of the Act is 25,000 yen.

### **Supplementary Provisions [Extract]**

(Effective Date)

(1) This Cabinet Order comes into effect on the date of promulgation.

### **Supplementary Provisions [Cabinet Order No. 259 of August 9, 2023]**

This Cabinet Order comes into effect on the date of enforcement of the provisions stated in Article 1, item (v) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures; provided, however, that the provisions stated in the following items come into effect on the day specified in each of those items:

- (i) the part related to Article 9 in the amending provisions that add two Chapters to the main provisions: the date of enforcement of the provisions stated in Article 1, item (iii) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures;
- (ii) the part related to Article 10 and Article 11 in the amending provisions

that add two Chapters to the main provisions: the date of enforcement of the provisions stated in Article 1, item (iv) of the Supplementary Provisions of the Act on the Promotion of Ensuring National Security through Integrated Implementation of Economic Measures.