

LAW CONCERNING EXCEPTIONAL PROVISIONS FOR COPYRIGHTS OWNED BY THE ALLIED POWERS AND THE ALLIED NATIONALS

(Law No. 302, of August 8, 1952, as amended up to May 6, 1970 by Law No. 48)

(Purpose)

Article 1. – The purpose of this Law is to provide, in accordance with the provisions of **Article 15(c)** of the Treaty of Peace with Japan, for the exceptional application of the Copyright Law (Law No. 48, of 1970) concerning the copyrights owned by the Allied Powers and the Allied nationals.

(Definition)

Article 2. – (1) In this Law, “the Allied Powers” means the Allied Powers as defined in **Article 25** of the Treaty of Peace with Japan.

(2) In this Law, “the Allied nationals” means the following:

- (i) individual persons who are nationals of the Allied Powers;
- (ii) corporations established under the laws and orders of any of the Allied Powers and persons of a similar nature;
- (iii) besides those mentioned in the preceding item, those corporations and other associations established for profit in which the individuals or corporations or associations mentioned in the preceding two items or in this item hold all of the stock or capital investments apart from qualifying shares;
- (iv) besides those mentioned in [item \(ii\)](#), religious juridical persons, non-profit juridical persons and other similar organizations controlled by the persons mentioned in the preceding three items or in this item.

(3) In this Law, “the copyright” means all or any part of the rights under the old Copyright Law (Law No. 39, of 1899) (except the right of publication as provided for in **Article 28** *ter* of that Law).

(Copyrights which have arisen during the war)

Article 3. – Irrespective of whether or not any conventions or agreements to which Japan was a party on December 7, 1941, were abrogated or suspended upon or since the outbreak of a war between Japan and the Allied Power concerned, by the domestic law of Japan or of the Allied Power concerned, the copyrights which the Allied Powers or the Allied nationals would have enjoyed in accordance with the provisions of such conventions or agreements during the period from that date until the day before the day on which the Treaty of Peace with Japan comes into force between Japan and the Allied Power concerned, shall be protected as having been validly obtained on the day on which the copyrights would have been so enjoyed.

(Exceptional provisions for the duration of copyright)

Article 4. – (1) The copyrights which existed on December 7, 1941, and were owned by the Allied Powers and the Allied nationals shall last during the term of protection of the rights corresponding to copyright provided in the Copyright Law and for an additional period equivalent

to that from December 8, 1941 until the day before the day on which the Treaty of Peace with Japan becomes effective. (The period, if any, during which anyone other than the Allied Powers and the Allied nationals owned the copyrights concerned shall be excluded from such additional period).

(2) The copyrights obtained by the Allied Powers and the Allied nationals during the period from December 8, 1941 until the day before the day on which the Treaty of Peace with Japan becomes effective (including the copyrights protected as having been validly obtained under the provision of the preceding Article) shall last during the term of protection of the rights corresponding to copyright provided in the Copyright Law and for an additional period equivalent to that from the day on which the Allied Power or the Allied national concerned obtained his copyright until the day before the day on which the Treaty of Peace with Japan becomes effective between Japan and the Allied Power concerned. (The period, if any, during which anyone other than the Allied Powers and the Allied nationals owned the copyright concerned shall be excluded from such additional period).

(Exceptional provisions for the duration of the right of translation)

Article 5. – In cases where the provisions of [paragraph \(1\)](#) or [\(2\)](#) of the preceding Article are applied to the right to translate a work into Japanese, in extension of a period mentioned in [Article 7, paragraph \(1\)](#) (the right of translation) of the old Copyright Law which is to be still effective in accordance with the provisions of [Article 8](#) of the Supplementary Provisions of the Copyright Law, a further period of six months shall be added.

(Copyrights owned by anyone other than the Allied Powers and the Allied nationals)

Article 6. – The provisions of the preceding two Articles shall apply solely to the copyrights which were owned by the Allied Powers or the Allied nationals on the day on which the Treaty of Peace with Japan comes into force between Japan and the Allied Power concerned (including the cases where the term of protection of such copyrights continues, in consequence of its extension for the additional period provided for in the preceding two Articles, to remain in existence on and after that day).

(Exemption from formalities)

Article 7. – For the application of the provisions of [Articles 3 to 5](#), the submission of any application, the payment of any fee, or compliance with any other formality or condition shall not be required; provided, however, that the application of the provisions of [Article 77](#) (registration of copyright) or [Article 78](#) (procedures, etc. for registration) of the Copyright Law or the provisions of the Registration and License Tax Law (Law No. 35, of 1967) shall not be precluded.

Supplementary Provisions

This Law shall come into force on the date of its promulgation, and shall apply from the day on which the Treaty of Peace with Japan first comes into effect. [This Law came into force on April 28, 1952.]