

2024 AVIA Regulating for Growth – Pay TV Matrix for Japan

| Questions | Pay TV | Foreshadowed changes? |
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| 1. How regulated? <i>Details of regulator/s</i> | <ul style="list-style-type: none"> The Japanese Ministry of Internal Affairs and Communications (MIC) administers the Broadcast Law¹ and the Radio Wave Law² and formulates policies through consultative councils, which may include industry representatives. Further, the Japan Commercial Broadcasters Association (<i>Nihon Minkan Housou Renmei</i>) (JCBA) plays the role of a self-regulatory organisation, which maintains specific content standards required by the Broadcast Law. Commercial broadcasters usually incorporate or refer to the JCBA's codes in their own standards. | <ul style="list-style-type: none"> None. |
| 2. Copyright protection? | <ul style="list-style-type: none"> Copyright is protected by the Copyright Law³ which has a strong framework and imposes significant penalties. There is effective enforcement and content protection. Online piracy is a violation of the Copyright Law which imposes criminal sanctions (imprisonment and fine). Criminal sanctions on illegal downloading were introduced in 2012. Generally speaking, the police are proactive in uncovering illegal uploading. Copyright collecting societies must register with the Commissioner of the Agency for Cultural Affairs, and submit to the Commissioner the terms and conditions on how third parties can use copyright. | <ul style="list-style-type: none"> None. |
| 3. Convergence and new technologies | <ul style="list-style-type: none"> The Broadcast Law is platform-neutral and requires broadcasters to be licenced. Pay TV operators are not required to obtain the regulator's permission before offering ancillary services insofar as the services do not contradict the programming plan or the business plan submitted by them in their licence application. No regulations govern the receipt of television on different end devices. | <ul style="list-style-type: none"> None. |

¹ <https://www.japaneselawtranslation.go.jp/ja/laws/view/4509>

² <https://www.japaneselawtranslation.go.jp/ja/laws/view/4510>

³ <https://www.japaneselawtranslation.go.jp/ja/laws/view/4207>

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| 4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i> | <ul style="list-style-type: none"> No specific licensing requirements for foreign channels as long as the pay TV platform has the necessary licences. No specific restraints on channel uplinking or downlinking. | <ul style="list-style-type: none"> None |
| 5. Licence fees and taxation | <ul style="list-style-type: none"> Broadcasters must pay a frequency usage fee if using transmission via radio waves. The fee varies, depending on the frequency band. A registered carrier under the Telecommunications Business Law must pay a nominal administrative filing fee. Some cable TV operators may be classified as registered carriers. | <ul style="list-style-type: none"> None |
| 6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any price controls on eg. basic tier</i> | <ul style="list-style-type: none"> Basic broadcasters (<i>Kikan Housou Jigyousha</i>) are required to submit their pay TV terms and conditions to the Minister of MIC and disclose them publicly (e.g., on their websites); however, MIC does not specifically regulate retail/wholesale rates. There are no price controls on any tier of pay TV service. | <ul style="list-style-type: none"> None |
| 7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i> | <ul style="list-style-type: none"> Tiering/bundling of channels is allowed and utilised in practice. | <ul style="list-style-type: none"> None |
| 8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i> | <ul style="list-style-type: none"> Advertising is permitted. No minutage restriction under the Broadcast Law, but JCBA's programme standards require that the volume of advertising per week is 18% or less of total broadcasting hours. | <ul style="list-style-type: none"> None |
| 9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds,</i> | <ul style="list-style-type: none"> There are no local content quotas; and no requirements for the insertion of local classification and other content labels into international feeds. The Broadcast Law requires broadcasters to avoid harming public safety or morals, to be politically fair, to avoid distorting facts and to provide balance where there are conflicting viewpoints, and to establish and publicly disclose standards for television programmes. The JCBA's programme standards also require broadcasters to consider viewers' circumstances, such as broadcasting time, when making programme content and ensure that viewers do not feel uncomfortable due to the programme's content. | <ul style="list-style-type: none"> None |

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| 9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i> | <ul style="list-style-type: none"> Generally, broadcast programmes cannot be dubbed more than once (programmes for FTA TV may be dubbed up to 10 times). If dubbing is allowed without any restrictions, it would cause adverse impacts on the sales of DVD of movies or other contents. To avoid such impacts, the number of dubbings are limited. | <ul style="list-style-type: none"> None |
| 10. Programme supply restrictions <i>Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i> | <ul style="list-style-type: none"> No “must provide” rules or other restrictions on exclusivity nor anti-siphoning rules. | <ul style="list-style-type: none"> None |
| 11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i> | <ul style="list-style-type: none"> Foreign investment is restricted to 20% for basic broadcasters (<i>Kikan Housou Jigyousha</i>). There are no foreign investment restrictions on “general broadcasters”, such as BS and CS broadcasters, IP multicast broadcasters and cable broadcasters, or in respect of producers or distributors. There are no foreign investment restrictions on telecoms carriers, although foreign investments in telecom carriers require prior notification to the relevant ministries. The Broadcast Law restricts a basic broadcaster (<i>Kikan Housou Jigyousha</i>) and its holding company from owning, directly or indirectly, multiple basic broadcasting businesses, with certain exceptions. There is no specific restriction on vertical integration, subject to general competition laws. | <ul style="list-style-type: none"> None |
| 12. Retransmission arrangements <i>Including must carry and remuneration</i> | <ul style="list-style-type: none"> Designated cable operators are required to rebroadcast terrestrial TV channels broadcast by basic broadcasters (<i>Kikan Housou Jigyousha</i>) in areas with poor terrestrial reception. Whether any payment is required in respect of such rebroadcasting is a matter for negotiation. | <ul style="list-style-type: none"> None |

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| 13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i> | <ul style="list-style-type: none"> The Broadcast Law requires basic broadcasters (<i>Kikan Housou Jigyousha</i>) to: <ul style="list-style-type: none"> a. submit pay TV terms and conditions to the Minister of the MIC and disclose them publicly (e.g., on website); b. notify users in advance before suspending or ceasing their business; c. explain terms and conditions to users; and d. deal with users' complaints or queries regarding the terms and conditions appropriately and promptly. | <ul style="list-style-type: none"> None |
| 14. Entering a new market: FAST TV | <ul style="list-style-type: none"> No specific requirements. | <ul style="list-style-type: none"> None |
| 15. Data handling | <ul style="list-style-type: none"> The key regulation on data handling in Japan is the Act on the Protection of Personal Information. There is no requirement regarding data localisation, except in the medical industry. | <ul style="list-style-type: none"> None |
| Other country-specific information not already covered | <ul style="list-style-type: none"> None. | <ul style="list-style-type: none"> None |