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GUIDE FOR MODEL TERMS AND CONDITIONS FOR INTERNET SERVICES

Article 1 (Prohibited Matters)

The Contracted User shall not take any of the following actions by using the Service:

- (1) any action that infringes or is likely to infringe any copyright, trademark right, or other intellectual property right of the Company or others;
 - Specific actions covered by the above include uploading of an image or music file without the copyright holder's permission and advertising for sale of counterfeit brand-name products by posting photographs of such counterfeit brand-name products.

- (2) any action that infringes or is likely to infringe any property, privacy or portrait right of others;
 - Specific actions covered by the above include posting of a private person's name, address, and other personal information and photographs, etc., on a web page, etc., without such person's permission. (For details as to what constitutes privacy violation, see "Provider Liability Limitation Act – Guidelines Relating to Defamation and Privacy".)

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- (3) any action which unjustly discriminates, disparages, or insults others, encourages unjust discrimination of others, or impairs the reputation or credibility of others;

- Specific actions covered by the above include posting on a web page, etc., of text, etc., that disparages or insults a specific individual, or encouraging unjust discrimination of others on the basis of their nationality, birth place, etc.
- For details as to what constitutes defamation, see “Provider Liability Limitation Act – Guidelines Relating to Defamation and Privacy”.

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- Actions of encouraging unjust discrimination of others include the following:
 - so-called hate speech, including “unjust discriminatory speech and behavior against persons originating from outside Japan” (*);
 - dissemination on the Internet of information referring to a certain district as a so-called “Dowa” district for the purpose of encouraging and inducing unjust discriminatory treatment.

* Such action is defined in the “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan”, and the basic principle of such Act is to realize a society without such discriminatory speech and behavior.

(4) any action that leads to or is likely to lead to a crime such as fraud, child prostitution, or illegal sale/purchase of savings accounts and mobile phones;

- Specific actions covered by the above include creating a web page with close resemblance to a web page of a bank, etc., for phishing scams; inducing children to engage in sexual conduct; and posting on a web page an advertisement for sale of bank accounts or sale of mobile phones by indicating “no identification needed” among other things.

(5) any action of transmitting or displaying any image, video, audio, document, etc., that represents obscenity, child pornography or child abuse; any action of selling media containing any recording of the foregoing; or any action of displaying or transmitting advertisements that suggests the transmission, display or sale of such media;

- Specific actions covered by the above include posting on a web page any image showing genitals, any image depicting a sexual intercourse or any conduct similar to sexual conduct of a person who can be easily recognized as a child under age 18 by appearance, or texts of a diary, etc., describing acts of real-life child abuse.

(6) any action that leads to or is likely to lead to any drug-related crime or abuse of controlled substances, designated substances, items for which advertisement is banned by public notice (i.e., items for which advertisement, etc., is banned broadly pursuant to public notice identifying such items as suspected designated substances, etc.), or other so-called dangerous drugs; any action of advertising unapproved or expired pharmaceuticals, etc.; or any action of selling or otherwise distributing pharmaceuticals that are not allowed to be sold or otherwise distributed on the Internet;

- Specific actions covered by the above include posting on a web page prices and transactional methods in respect of stimulants and other controlled substances, designated substances, and items for which advertisement is banned by public notice, or how to use, manufacture or grow controlled substances, designated substances, and items for which advertisement is banned by public notice, or prices and transactional methods in respect of unapproved pharmaceuticals such as the Chinese herbal version of Viagra.

Additionally, the above will also cover actions of posting on a web page of prices, transactional methods, and information relating to use and manufacturing even in respect of any item that is not classified as a designated substance or items for which advertisement is banned by public notice where such item is considered as likely to have psychotoxicity at the level equivalent to such substance or items for which advertisement is banned by public notice in light of other information (such as the type of a certain product or method of distribution) posted on electronic bulletin boards, websites, etc., containing the relevant information.

Furthermore, the above will also cover actions of advertising expired pharmaceuticals, etc., and selling or otherwise distributing prescription pharmaceuticals and other pharmaceuticals which are not allowed to be sold or otherwise distributed on the Internet.

- Unapproved pharmaceuticals related to dangerous drugs include those specified in the “Guidelines Relating to Measures Against Illegal Contents on the Internet” as well as any product in which any designated substance has been detected in the past and any substance which is newly designated as a designated substance by a ministerial ordinance, and any substance which bears the same or similar name or package as a certain product during a period from the promulgation of the ministerial ordinance until such ordinance comes into force and which is recognized as likely to be an unapproved pharmaceutical in light of other information posted on electronic bulletin boards, websites, etc., containing the

relevant information.

- (7) any action of advertising, for the purpose of sale or distribution, individual organisms, etc., of endangered species of wild fauna and flora that are subject to regulation on advertisements;
- Specific actions covered by the above include posting on the Internet any content regarding an individual organism (whether dead or alive) and its parts and processed goods (hereinafter referred to as “Individual Organisms, etc.”) of nationally endangered species of wild fauna and flora, internationally endangered species of wild fauna and flora, and temporarily designated endangered species as prescribed in the “Act on Conservation of Endangered Species of Wild Fauna and Flora”.
 - As exceptions, advertisements for the purpose of sale or distribution will be permitted in the following cases:
 - Individual Organisms, etc., of internationally endangered species of wild fauna and flora with registration cards; provided that the fact of registration and the registration codes and numbers must be clearly shown;
 - Advertisement of specified nationally endangered species of wild fauna and flora as specified in the Cabinet Order;
 - Advertisement of specified parts, etc., as specified in the Cabinet Order; provided that, in order to sell, as a business, tusks of the Elephantidae family and processed products thereof (mainly, raw materials of ivory products and ivory products) or shells of the Cheloniidae family (mainly, raw materials of tortoiseshell products), among such specified parts, notification of a business dealing with internationally endangered species must be made in advance;
 - Individual Organisms, etc., lawfully captured or any individual organism bred therefrom.

For any inquiry or detail concerning restriction on advertisement, please contact the following or see “Regulation and Procedures for Transfer, etc.” on the HP of the Ministry of the Environment below.

Contact: Ministry of the Environment, Nature Conservation Bureau, Wildlife Division
(Telephone: 03-5521-8283)

Ministry of the Environment HP:

<http://www.env.go.jp/nature/kisho/kisei/yuzuri/index.html>

- (8) any action of advertising monetary loans without being registered to conduct a money lending business;
- Specific actions covered by the above include indicating the operation of a money lending business or intermediation of monetary loans under the Money Lending Business Act, indicating loan terms (such as interest rate, limit amount and repayment method), or otherwise using any expression which suggests solicitation for the execution of a loan agreement, without any display of a registration number or by displaying any false registration number.
- (9) any action of setting up a pyramid scheme (*nezumi-ko*) or soliciting therefor;
- Specific actions covered by the above include opening of a web page for operating on the Internet an organization which does not sell goods and whose sole purpose is for senior members to receive money and goods disbursed by junior members or for soliciting junior members.
- (10) any action of wrongfully rewriting or deleting information accumulated in the Company's facilities;
- Specific actions covered by the above include wrongfully rewriting or deleting any content on a web page, etc., accumulated on a server, by stealing other users' IDs and passwords or taking advantage of a security hole of the server.
- (11) any action of using the Service through impersonation;
- Specific actions covered by the above include making postings in an electronic bulletin, opening a web page, or take such other actions under stolen IDs of other users.
- (12) any action of transmitting or posting a virus or other harmful computer program;
- Specific actions covered by the above include providing a virus, worm, or other program which has an adverse effect on the operation of a computer, in a form which enables downloading of the foregoing on the Internet.
- (13) any action of sending others email of advertisement, promotion or solicitation without their consent; or any action of sending others email which is or could be offensive

under social norms;

- Specific actions covered by the above include emailing, by using the service provided by a service provider, advertisements, promotions, etc., to which recipients have not consented.

(14) any action that interferes or is likely to interfere with the use or operation of others' facilities or facilities for the Internet connection service;

- Specific actions covered by the above include an action which causes a failure to the functions of mail server by suppressing the bandwidth of other users through sending and receiving of an extremely large volume of files for hours and obstructing the normal use of telecommunications services or by sending a huge amount of email messages in a short span of time.

(15) any action of conducting unlawful betting or gambling or soliciting for participation in unlawful betting or gambling;

- Specific actions covered by the above include opening of a website for gambling by making available online poker games, slot machines, etc., through simulation and soliciting for bookmaking for horse racing, etc.

(16) any action of agreeing to undertake, intermediating, or inducing (including commissioning of another person) an illegal act (such as a transfer of guns, unlawful production of firearms or explosives, provision of child pornography, forgery of public documents, murder, or blackmailing);

- Specific actions covered by the above include a transfer of guns and heavy artillery by specifying a price, type, date or time of delivery, etc.; agreement to forge official documents such as a driver's license; solicitation, request, etc., for a collaborator to murder by specifying date and time, place, victims or other details of such murder; and undertaking, intermediation, and inducement of a broad range of illegal acts such as delivery of counterfeit currency, organ trafficking, human trafficking, aiding suicide, or posting of information relating to the foregoing.
- Furthermore, if any content on a website strongly suggests the posting of design drawings that enable the manufacturing of guns by a 3D printer, and if it is recognized from any other content posted on such website (such as functions and

purposes of use) that illicit manufacturing of guns is directly and explicitly encouraged, then such posting is considered to be inducing illicit manufacturing of guns.

(17) any action of sending to an unspecified number of people any cruel content such as an image of murder scene, content such as an image of slaughter or abuse of animals, or content that is extremely offensive to others under social norms;

- Specific actions covered by the above include posting on a web page of cruel images such as a murder scene or dead body as a result of a crime; any video or other content depicting a person being killed brutally; any animal cruelty or other “grotesque” video and image; or other extremely offensive contents under social norms.

(18) any action of inducing or encouraging suicide; or any action of introducing means of suicide that are likely to cause harm to third parties;

- Specific actions covered by the above include solicitation for a person to join group suicide or offering of drugs for suicide, by specifying date and time, place, method, etc., of suicide.

Furthermore, as for any content that introduces a method, etc., of suicide that could harm others, posting of a suicide method such as by generating hydrogen sulfide gas falls under such category.

(19) any action of creating a hyperlink in any manner or for the purpose of encouraging any of the actions in the foregoing items while knowing that such action falls under any of the categories in the foregoing items;

(20) any action of encouraging unspecified persons to post or otherwise display any content that leads to or is likely to lead to a crime or illegal activity, or any content that unjustly disparages or insults others or invades others’ privacy;

- Specific actions covered by the above include setting up an electronic bulletin that could encourage unnamed persons to post any content that is likely to lead to a crime or illegal act or any content that constitutes bullying of specific children or students, such as a so-called “yami site” (underground website) or “ura site” (backdoor website).

- (21) any other action which the Company determines is contrary to public policy and morals or infringes others' rights.

Article 2 (Use by the Contracted User's Affiliates)

1. In the event that, pursuant to the procedures separately prescribed by the Company, the Company executes a service agreement with a Contracted User in order for the Contracted User to allow the use by such Contracted User's family members or other persons (hereinafter referred to as the "Affiliates"), upon the Contracted User's agreeing to bear the service fees for the use of the Service by such Affiliates, then such Contracted User shall be obligated to ensure that such Affiliates will also comply with these Terms and Conditions.
2. In the event of the preceding paragraph, if the Contracted User's Affiliate takes any of the prohibited actions set forth in the respective items of Article 1 (Prohibited Matters) or causes damage to the Company willfully or negligently, then the respective provisions of these Terms and Conditions shall apply as if such action of the Affiliate was that of the Contracted User.
 - This provision sets forth that, if the Contracted User's family member, etc., breaches any of the prohibited matters, the Contracted User shall be deemed to have breached such prohibited matter.

Article 3 (Deletion, etc., of Content, etc.)

1. The Company may take any one or any combination of the following measures against the Contracted User if any use of the Service by the Contracted User constitutes any of the actions in the respective items of Article 1 (Prohibited Matters), or if any person makes a complaint, claim, etc., against the Company in relation to such use and the Company recognizes the necessity, or if the Company otherwise determines that the Contracted User's action is inappropriate for the operation of the Service:
 - (1) The Company may request that the Contracted User cease the relevant action in the respective items in Article 1 (Prohibited Matters);
 - (2) The Company may request that the Contracted User negotiate with such other person in order to resolve such complaint, etc.;
 - (3) The Company may request that the Contracted User delete the displayed content;
 - (4) The Company may, without prior notice, delete all or part of the content published or displayed by the Contracted User or make the same unavailable to others; and/or

- (5) If the hotline system provided in Article 6 is not implemented by the Contracted User, the Company may demand such hotline system.
2. The measures in the preceding paragraph are not intended to deny the principle of self-responsibility on the part of the Contracted User, and the principle of self-responsibility will be respected in interpreting and operating the provisions in the preceding paragraph.
- This provision sets forth the measures that may be taken by the administrator of the electronic bulletin board when the Contracted User commits any of the prohibited matters in using the service.

Article 4 (Blocking of Child Pornographic Images)

1. For the purpose of preventing the spread of infringement of the rights of child victims through distribution of child pornography on the Internet, the Company may, without prior notice, make unavailable for viewing any child pornographic image or video which significantly breaches children's rights as determined by the Company or the body that prepares and manages address lists of websites containing child pornography, upon identifying the Contracted User's connected sites, etc.
2. To the extent necessary in connection with the measures under the preceding paragraph, the Company may make unavailable for viewing any content that is not directly related to the distribution of such image or video.
3. With regard to the measures under the preceding two paragraphs, the Company will target solely child pornographic contents that significantly breach children's rights and will take such measure only where it is recognized that the privacy of communications is not unreasonably violated and where the illegality is precluded.
 - To "make unavailable for viewing" means compulsory blocking of an attempt to access child pornographic contents, etc., so that such contents, etc., cannot be viewed.
 - Furthermore, as of March 24, 2011, the Internet Content Safety Association is expected to act as the body that prepares and manages address lists of websites containing child pornography.

Article 5 (Treatment of Content which is Harmful to Young People)

1. Where the Contracted User uses the Service and thereby becomes a Specified Server Administrator (hereinafter referred to as the "Specified Server Administrator") under

Article 2, paragraph (11), of the Act on Establishment of Enhanced Environment for Youth's Safe and Secure Internet Use (Act No. 79 of 2008; hereinafter referred to as the "Youth Internet Use Environment Improvement Act"), then the Contracted User shall take sufficient care to heed the obligation to make efforts under Article 21 of said Act.

2. Where the Contracted User uses the Service and thereby becomes the Specified Server Administrator, if the Contracted User becomes aware that any content harmful to young people (except for any content specified in Article 1 of the contents which considerably impede the sound growth of young people; the same shall apply hereinafter) is published by a third party by using the server administered by the Contracted User, or if the Contracted User publishes such content, then the Contracted User shall make efforts to take measures to reduce opportunities for young people to view such content by taking procedures illustrated below.
 - (1) The Contracted User shall conspicuously indicate that the content is intended for those aged eighteen or over.
 - (2) The Contracted User shall implement a system in which only those aged eighteen or over may view the content, by having viewers enter their age or taking another method.
 - (3) The Contracted User shall delete contents harmful to young people.
 - (4) The Contracted User shall notify the filtering service provider of the URL associated with contents harmful to young people.
3. If the Company determines that any content harmful to young people has been published through the Service, then in accordance with the intent of Article 21 of the Youth Internet Use Environment Improvement Act, the Company may request that the Contracted User take measures to reduce opportunities for young people to view such content by taking the procedures illustrated in the preceding paragraph.
4. If in response to the Company's notification pursuant to the preceding paragraph, the Contracted User informs the Company that such content does not constitute content harmful to young people, then the Company shall respect such determination of the Contracted User.
5. Even in the event of the preceding paragraph, the Company may take the procedure in (4) of Paragraph 2 above and take measures to reduce, by filtering, opportunities for young people to view such content.
 - This provision is intended to raise awareness of and implement the duty to make efforts under Article 21 of the Youth Internet Use Environment Improvement Act.
 - Article 21 of the Youth Internet Use Environment Improvement Act:
Article 21 (Specified Server Administrator's Duty to Make Efforts Where Content

Harmful to Young People is Released)

When the Specified Server Administrator becomes aware that any content harmful to young people is published by any person by using the specified server managed by such Administrator, or the Specified Server Administrator itself intends to publish any content harmful to young people, then the Specified Server Administrator must make efforts to take measures so that such content harmful to young people cannot be viewed by young people through the Internet (such measures shall be referred to hereinafter as “Measures to Prevent Viewing by Young People”).

- The Specified Server Administrator refers to a person who provide a service to make a certain content available for viewing by the general public upon a third party’s request and allow such viewing by using a server used for viewing of contents by the general public through the Internet (Article 2, paragraph 11, of said Act). More specifically, Internet service providers, hosting providers, content providers, and administrators of bulletin boards and web pages will be considered to be such Specified Server Administrators.

Article 6 (Implementation of Hotline System)

1. Where the Contracted User uses the Service and thereby becomes the Specified Server Administrator, the Contracted User shall implement a system for accepting contact from third parties in the manner illustrated below, for the purpose of preventing trouble relating to publication of certain content:

- (1) Implementation of an inquiry form for third parties in relation to publication of certain content by way of the Service;
- (2) Publication of an email address for inquiry relating to publication of certain content by way of the Service.

Additionally, where the system is implemented to accept contact in the manner illustrated in (2) above, the Contracted User shall take sufficient note that such contact information could be misused for other purposes.

2. In using the Service, the Contracted User shall notify the Company of the contact information for the Company to contact the Contracted User in the event that trouble occurs in relation to publication of certain content.

- This provision is intended to raise awareness of and implement the duty to make efforts under Article 22 of the Youth Internet Use Environment Improvement Act.
- Article 22 of the Youth Internet Use Environment Improvement Act:

Article 22 (Implementation of the Hotline System from People in Respect of Content Harmful to Young People)

The Specified Server Administrator must make efforts to implement the system for accepting contact from people in respect of any content that is harmful to young people and that has been published through the Specified Server managed by such Administrator.

Article 7 (Suspension of Use)

1. If any of the events set forth in the following items occurs in respect of the Contracted User, the Company may suspend the use of the Service by the Contracted User:
 - (1) When the Contracted User fails to pay fees for the Service after the payment due date;
 - (2) When the Contracted User's credit card for settlement of fees for the Service or the bank account designated by the Contracted User is no longer accepted due to cancellation or other reason;
 - (3) When the use of the Service falls under any of the actions in the respective items under Article 1 (Prohibited Matters), and upon receiving a request under Items (1) through (3) or (5) of Paragraph 1 in Article 3 (Deletion, etc., of Content, etc.), the Contracted User fails to accommodate such request within a period designated by the Company; or
 - (4) Other than those in the respective preceding items, when the Contracted User breaches these Terms and Conditions.
2. When the Company intends to suspend the use of the Service by the Contracted User pursuant to the provisions of the preceding paragraph, the Company shall notify the Contracted User of the grounds for such suspension in advance; provided that the foregoing shall not apply in the case of emergency.
 - This provision is intended for a situation where the service provider takes measures to suspend the provision of its service to the Contracted User.

Article 8 (Termination by the Company)

1. Where the use of the Service by the Contracted User is suspended pursuant to the provisions of Article 7 (Suspension of Use), if such Contracted User fails to resolve or cure such suspension event within a period designated by the Company, then the Company may terminate the relevant service agreement.
2. In the event that the Company intends to terminate the service agreement pursuant to

the preceding paragraph, the Company may do so without giving notice or making a demand to the Contracted User.

- This provision is intended for a situation where the service provider takes measures to terminate the service agreement with the Contracted User.

Article 9 (Compliance with Relevant Laws and Regulations)

In taking the measures set forth in these Terms and Conditions, the Company shall take appropriate measures within the scope set forth in any relevant laws and regulations.

- This provision is intended to confirm that, when the service provider takes any action set forth in the Terms and Conditions, the service provider shall take appropriate measures within the scope of the duties imposed on telecommunications carriers under any relevant laws and regulations, such as prohibition of unfair and discriminatory treatment prescribed in Article 6 of the Telecommunications Business Act.