

（平成 27 年 11 月 5 日 内閣官房 TPP 政府対策本部）関連部分抜粋

Subject to Legal Review for Accuracy, Clarity and Consistency

[date of signature of the TPP Agreement]

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Dear []:

I have the honor to acknowledge receipt of your letter of this date, which reads as follows:

I have the honor to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) [signed on this day]:

- (i) The Government of Japan and the Government of the United States of America (“the United States”) recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for the Government of Japan, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognizing the importance of efficient collection and distribution of royalties between Japan and the United States as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organizations, the Government of Japan and the Government of the United States encourage and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) The Government of Japan and the Government of the United States intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of the Government of Japan and the Government of the United States under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

Subject to Legal Review for Accuracy, Clarity and Consistency

I have the further honor to confirm that my government shares this understanding.

Sincerely,

[]

Subject to Legal Review for Accuracy, Clarity and Consistency

[date of signature of the TPP Agreement]

[]

Dear []:

I have the honor to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) [signed on this day]:

- (i) The Government of Japan and the Government of the United States of America (“the United States”) recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for the Government of Japan, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognizing the importance of efficient collection and distribution of royalties between Japan and the United States as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organizations, the Government of Japan and the Government of the United States encourage and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) The Government of Japan and the Government of the United States intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of the Government of Japan and the Government of the United States under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

Sincerely,

[]

Subject to Legal Review for Accuracy, Clarity and Consistency

(Japanese Letter)

[DATE]

[Insert addressee
Insert address]

Dear [Insert name]

I have the honor to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) [signed on this day]:

- (i) Japan and Australia recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for Japan, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognizing the importance of efficient collection and distribution of royalties between Japan and Australia as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organizations, Japan and Australia encourage and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) Japan and Australia intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and Australia under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

Sincerely,

[Insert name of sender]

Subject to Legal Review for Accuracy, Clarity and Consistency

(Australian Letter)

[DATE]

[Insert addressee
Insert address]

Dear [Insert name]

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“I have the honor to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) [signed on this day]:

(i) Japan and Australia recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for Japan, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.

(ii) In connection with paragraph (i), and recognizing the importance of efficient collection and distribution of royalties between Japan and Australia as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organizations, Japan and Australia encourage and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.

(iii) Japan and Australia intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and Australia under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.”

I have the further honour to confirm that my Government shares this understanding.

Sincerely,

[Insert name of sender]

*Subject to Legal Review in English and French for Accuracy, Clarity and Consistency
Subject to Authentication of English and French Versions*

Copyright

Letter from Canada to Japan

Dear:

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“I have the honor to confirm the following understanding with regard to the implementation of Article 18.G.6 (term of protection for copyright and related rights) and 18.G.18 (collective management) of the Trans-Pacific Partnership (“the Agreement”) signed on this day:

(i) Japan and Canada recognize and invite attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement for Japan, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.

(ii) In connection with paragraph (i), and recognizing the importance of efficient collection and distribution of royalties between Japan and Canada as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organizations, Japan and Canada encourage and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.

(iii) Japan and Canada intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honor to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and Canada under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm by reply letter, equally valid in English and French, that this understanding is shared by your government.”

I have the further honour to confirm that my Government shares this understanding, and that your letter and this letter of reply, equally valid in French and English, will constitute an understanding between our Governments.

Sincerely,

Subject to Legal Review for Accuracy, Clarity and Consistency

(Letter from Japan to New Zealand)

Dear :

I have the honour to confirm the following understanding with regard to the implementation of Article 18.63 (term of protection for copyright and related rights) and Article 18.70 (collective management) of the Trans-Pacific Partnership Agreement (“the Agreement”) signed on this day:

- (i) Japan and New Zealand recognise that, from the date of entry into force of the Agreement for Japan, the term of protection for copyright and related rights to be provided in Japan pursuant to the Agreement will exceed the term of protection currently provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between Japan and New Zealand as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations, Japan and New Zealand invite and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) Japan and New Zealand may meet, as appropriate, to discuss the matters referred to in paragraph (ii) or to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and New Zealand under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

Subject to Legal Review for Accuracy, Clarity and Consistency

(Letter from New Zealand to Japan)

Dear []:

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

I have the honour to confirm the following understanding with regard to the implementation of Article 18.63 (Term of Protection for Copyright and Related Rights) and Article 18.70 (Collective Management) of the Trans-Pacific Partnership Agreement (“the Agreement”) signed on this day:

(i) Japan and New Zealand recognise that, from the date of entry into force of the Agreement for Japan, the term of protection for copyright and related rights to be provided in Japan pursuant to the Agreement will exceed the term of protection currently provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (hereinafter referred to as “the Treaty”) with regard to the works covered by that paragraph.

(ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between Japan and New Zealand as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations, Japan and New Zealand invite and welcome industry-led dialogue to be held between individual collective management societies and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.

(iii) Japan and New Zealand may meet, as appropriate, to discuss the matters referred to in paragraph (ii) or to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and New Zealand under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your government.

I have the further honour to confirm that my Government shares this understanding.

Subject to Legal Review for Accuracy, Clarity and Consistency

[Date]

Dear [],

The Government of Japan and the Government of the United States of America decided on April 12, 2013 to address in parallel to the Trans-Pacific Partnership (TPP) negotiations a number of key non-tariff measures (NTMs) in the areas of insurance, transparency/trade facilitation, investment, IPR, standards, government procurement, competition policy, express delivery and SPS, when both Governments confirmed the successful conclusion of our bilateral consultations prior to Japan's joining the TPP negotiations.

The two Governments have conducted parallel negotiations on these NTMs since August 2013. I am pleased to hereby confirm that the two Governments have addressed the issues related to the abovementioned NTMs and successfully concluded the parallel negotiations. I also have the honor to confirm, on behalf of the Government of Japan, the outcomes achieved on these NTMs, as reflected in the attachment to this letter. The two Governments expect that these outcomes will be implemented no later than the date of entry into force of the TPP Agreement for the two countries, unless otherwise stated. I am confident that these outcomes will serve as a basis for further enhancing economic growth and expanding bilateral trade and investment.

The Government of Japan stands ready to engage in a dialogue with the Government of the United States, by continuing to work through existing frameworks for bilateral dialogue or other appropriate means, in the interest of further enhancing economic growth and expanding bilateral trade and investment.

I look forward to your letter in response confirming these outcomes on behalf of the Government of the United States.

Yours sincerely,

[]

Subject to Legal Review for Accuracy, Clarity and Consistency

[Date]

Dear [],

On April 12, 2013, the Government of Japan and the Government of the United States of America confirmed the successful conclusion of our bilateral consultations on Japan's joining the Trans-Pacific Partnership (TPP) negotiations. As reflected in my predecessor's letter exchange with Ambassador Kenichiro Sasae, the Government of Japan and the Government of the United States decided to address in parallel to the TPP negotiations a number of key non-tariff measures (NTMs) in the areas of insurance, transparency/trade facilitation, investment, IPR, standards, government procurement, competition policy, express delivery and SPS.

The two Governments have conducted parallel negotiations on these NTMs since August 2013. I am pleased to hereby confirm that the two Governments have addressed the issues related to the abovementioned NTMs and successfully concluded the parallel negotiations. I also have the honor to confirm, on behalf of the Government of the United States, the outcomes achieved on these NTMs, as reflected in the attachment to this letter. The two Governments expect that these outcomes will be implemented no later than the date of entry into force of the TPP Agreement for the two countries, unless otherwise stated. I am confident that these outcomes will serve as a basis for further enhancing economic growth and expanding bilateral trade and investment.

I welcome the prospect of a further dialogue with the Government of Japan, by continuing to work through existing frameworks for bilateral dialogue or other appropriate means, in the interest of further enhancing economic growth and expanding bilateral trade and investment regarding specific issues related to NTMs which may arise in the future.

Sincerely,

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INTELLECTUAL PROPERTY RIGHTS

Both Governments will take necessary measures for the smooth and effective implementation of the relevant provisions in Chapter 18 (Intellectual Property) of the TPP Agreement.

Private Copying Exception

On the scope of copyright protection, the Copyright Working Group under the Council for Cultural Affairs of Japan studied the scope of the private use exception and concluded in 2009 that it is appropriate that the private use exception should not be applied for downloading of sound recordings and motion pictures from illegal sources.

The Government of Japan will resume its consultation with the Copyright Working Group with respect to whether the private use exception should not be applied for downloading of other works from any illegal sources as soon as possible and no later than the time when the TPP Agreement takes effect with respect to both countries. In order to facilitate this process, the Government of the United States and the Government of Japan will exchange relevant information in this respect.

Both Governments also recognize that it is important for both countries to continue to work toward enhancing the protection of intellectual property rights in the Asia-Pacific region, including with respect to copyrighted works such as manga, animation, software and books.