

JAPAN AND INTERNATIONAL MOTION PICTURE COPYRIGHT ASSOCIATION, INC.



[JIMCA 3/25/2015]

The Japan and International Motion Picture Copyright Association (JIMCA) is a subsidiary of the Motion Picture Association which is a trade association representing six international producers and distributors of filmed entertainment for theatrical exhibition, television, home video, and internet delivery. The MPA member companies include:

Paramount Pictures Corporation;
Sony Pictures Entertainment Inc.;
Twentieth Century Fox Corporation;
Universal City Studios LLC;
Walt Disney Studios Motion Pictures; and
Warner Bros. Entertainment Inc.

We are truly grateful for the opportunity to submit our comments concerning the amendment of the "Interpretative Guideline on Electronic Commerce and Information Property Trading" (the "Guidelines").

1. Chapter to be deleted

One of chapters proposed to be deleted is II-10-4 "Use of Other Persons' Copyrighted Works in E-Learning." We object to deletion of this chapter.

The reason to delete this chapter says "Time passed and the description

in this chapter and actual services are different. It ended its role." We do not understand this. Current E-Learning is provided mostly in the way described in this chapter. Use of copyrighted works in E-Learning is still a major point and it will be more important when E-Learning gets more popular. If the description is obsolete, it should be re-written.

2. [3] II-2 Legal matters involved in setting up a link to another person's website.

Description in this chapter is mostly about setting up a link to a website that has legal contents. However, links to illegal files of contents such as films and music should be considered more important, since index sites are getting profit to have links to illegally uploaded files and damages the copyright holders.

In "Examples" box, a link to illegal uploaded files should be listed as Example 5.

A link to illegal files is only referred to in footnote 7. This is not sufficient. Index sites are already a serious issue to content holders. Reference to a link to illegal files (second half of footnote 7) should be moved to the main body of this chapter as a new independent paragraph.

In the last sentence of the second paragraph of foot note 7, it says "it is arguable if this decision is applicable to ordinary infringement of copyright. This sentence is not appropriate. Any court decision is specific and can be distinguished from any other cases. It is not appropriate to emphasize it only for this case while other court decision citation in this chapter does not have such description.

Site blocking should be mentioned in this paragraph. It is an effective countermeasure to illegal files hosting services.

- **Reasons (If possible please cite or attach the reference)**

Reasons are as stated above.

References are:

"Theory and Practice of E-Learning" by Kumiko Aoki, 2012

http://www.bunka.go.jp/chosakuken/24_houkaisei.html

Meeting minutes of Cultural Affairs Review Board, Copyright WG, Legislation Issues Sub Committee

http://www.bunka.go.jp/chosakuken/singikai/housei/h24_shiho_07/gijiyoshi.html