

JAPAN AND INTERNATIONAL MOTION PICTURE COPYRIGHT ASSOCIATION, INC.



[JIMCA 12/5/2013]

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 represented companies include:

Paramount Pictures Corporation;
Sony Pictures Entertainment Inc.;
Twentieth Century Fox Film 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 TPP.

Since the Japanese government's "Intellectual Property Strategy Outline" was announced in 2002, IP law especially copyright law of Japan have been amended many times and reinforced. We truly appreciate such recognition of importance of copyright by the government and its effort to continuously reinforcing copyright law to match it to digital era. However, the digital environment including broadband service is changing so rapidly that are many cross border issues are arising. We believe that the international arrangement by TPP Parties will be very helpful to protect copyright and further develop the content that audience wants.

The companies represented by JIMCA at the MPA place a high priority on

securing the practical legal tools to protect intellectual property in the digital age. The TPP's IP provision should therefore be clear and enforceable in the TPP Parties.

We would like to take this opportunity to propose several points about copyright issues which we wish the government to consider in the negotiation of TPP.

1. Strong Copyright

In general, we urge the government to work with like-minded countries in ensuring the strongest possible copyright provisions in the intellectual property chapter. This is important not just for TPP Parties, but looking forward to the hope that TPP will set a baseline throughout the rest of Asia.

2. Copyright Protection Term

Protection term is one of the fundamental parts of copyright. It should be handled in the same manner globally and particularly in the context of trade negotiations in order to avoid inconsistencies and irritants resulting from divergent terms among trading partners. We would like to request extension of copyright protection term for any kind of works to 70 years in the TPP Parties. With vibrant cultural industries, Japan will be a significant beneficiary over the long run.

3. Technological Protection Measures

A single digital file can be easily yet unlawfully reproduced and communicated without any loss of quality and such unauthorized activity causes huge damage all over the world. Adequate and effective provisions for technological protection measures utilized by right owners that protect the access and use of copyrighted works and to prevent such illegal reproduction and communication is essential to the continued growth of the digital environment. We would like to request that TPP Parties ensure that the circumvention of technological protection measures should be prohibited. While limited exceptions are sometimes necessary, these should be narrow and

subject to a strict standard to ensure that the exceptions do not result in widespread availability of circumvention devices. Accordingly such prohibitions should extend not only to acts of circumvention by individuals, but also to the sale or distribution of circumvention devices and services.

4. Internet Service Providers Liability

In order to prevent online infringement of copyright, it is essential to have the service providers cooperate with right holders in deterring piracy and combating online copyright infringement. We would like to request, apart from limitations on liability, other legal incentives or obligations for service providers to cooperate with right holders in deterring piracy, including through the provision of carefully crafted safe harbors for service providers with respect to infringements by third parties in circumstances where such service providers employ reasonable measures to address infringement based on the particular function they perform.

5. Outlaw Camcording in Theaters

The TPP should include this important discipline that addresses the source of approximately 90% infringing copies of films and tracks on internet. In Japan illegal camcording is already criminalized and it should be treated in the same manner by all the TPP Parties to ensure Japanese films the same protections in other TPP Parties as provided in Japan.