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This English translation of the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs has been prepared (up to the revisions of Act No. 88 of 2018 (Effective February 1, 2019)).

This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations.

The Government of Japan shall not be responsible for the accuracy, reliability or currency of the

## **Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, Act No. 84 of June 25, 2014**

### Chapter I General Provisions

#### (Purpose)

Article 1 The purpose of this Act is to aim to secure the profits of producers of specific agricultural, forestry and fishery products and foodstuffs by establishing a system for protection of names of specific agricultural, forestry and fishery products and foodstuffs based on Annex 1C (Agreement on Trade-Related Aspects of Intellectual Property Rights) of the Marrakesh Agreement Establishing the World Trade Organization, and thereby contribute to the development of agricultural, forestry and fishery industries and relevant industries as well as to protect the interests of consumers.

(Definitions)

Article 2 The term "agricultural, forestry and fishery products and foodstuffs" as used in this Act means those set forth below; provided, however, that those falling under liquors prescribed in Article 2, paragraph (1) of the Liquor Tax Act (Act No. 6 of 1953), and medicines prescribed in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (Act No. 145 of 1960), quasi-pharmaceutical products prescribed in paragraph (2) of that Article, cosmetics prescribed in paragraph (3) of that Article, and regenerative medical products prescribed in paragraph (9) of that Article are excluded:

- (i) agricultural, forestry and fishery products (limited to those intended for human consumption);
  - (ii) foods and drinks (excluding those set forth in the preceding item);
  - (iii) agricultural, forestry and fishery products (excluding those set forth in item (i)) as provided by Cabinet Order; and
  - (iv) products manufactured or processed using agricultural, forestry and fishery products as raw materials or ingredients (excluding those set forth in item (ii)) as provided by Cabinet Order.
- (2) The term "specific agricultural, forestry and fishery products and foodstuffs" (hereinafter referred to as "SAFFPF") as used in this Act means any agricultural, forestry and fishery products and foodstuffs falling under the following items:
- (i) products produced in a specific place, region or country; and
  - (ii) products for which quality, reputation or other given characteristic (hereinafter simply referred to as "characteristic") is essentially attributable to the place of production specified in the preceding item.
- (3) The term "geographical indication" as used in this Act means the indication of the name of a SAFFPF (limited to what can identify the matters set forth in the respective items of the preceding paragraph by the name).
- (4) The term "production" as used in this Act means the series of acts performed up to shipment of agricultural, forestry and fishery products and foodstuffs to impart a characteristic to or preserve the characteristic of agricultural, forestry and fishery products and foodstuffs, and the term "place of production" as used in this Act means the place, region or country where agricultural, forestry and fishery products and foodstuffs have been produced, and the term "producer" as used in this Act means a person that undertakes production as its business.
- (5) The term "group of producers" as used in this Act means a group comprised of producers as direct or indirect members (hereinafter simply referred to as "members") as provided by Order of the Ministry of Agriculture, Forestry and Fisheries (for a group without legal personality, limited to those which provide for a representative or

administrator and those which provide to the effect that the group may not deny enrollment to any person eligible to become a member nor impose any conditions on enrollment more stringent than those imposed on existing members without a just cause, based on laws or regulations or articles of incorporation or other basic contract provisions).

- (6) The term "production process management" as used in this Act means the following operations undertaken by a group of producers:
- (i) preparation or change of specifications containing the information set forth in Article 7, paragraph (1), items (ii) to (viii) (hereinafter simply referred to as "specifications") with regard to agricultural, forestry and fishery products and foodstuffs;
  - (ii) regarding agricultural, forestry and fishery products and foodstuffs specified in the specifications, guidance, examination and other operations that are necessary to put the production of the producer as a member of the group of producers in accord with the specifications; and
  - (iii) undertaking operations incidental to the operations set forth in the preceding two items.

## Chapter II Protection of Names of SAFFPF

### (Geographical Indication)

Article 3 A person who assigns, delivers, displays for the purpose of assignment or delivery, exports or imports SAFFPF which has received a registration pursuant to Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article) may use a geographical indication for the SAFFPF, their package, container, advertisement material, price list or transaction document (including the information provided by using an electromagnetic device (an electromagnetic device shall refer to any electronic, magnetic or other methods that is not recognizable by human perception) (hereinafter referred to as "package, etc.").

- (2) Except in cases under the preceding paragraph, a person should not use a geographical indication pertaining to a SAFFPF under registration or an indication similar to it or an indication which likely misleads the public as that geographical indication (referred to as "similar indication, etc." in this paragraph and Article 5, item (i)) on agricultural, forestry and fishery products and foodstuffs which belongs to the classification to which the SAFFPF under the registration is affiliated (meaning a classification of agricultural, forestry and fishery products and foodstuffs provided by the Minister of Agriculture, Forestry and Fisheries in consideration of circumstances including the established international classifications; the same applies hereafter), or agricultural, forestry and fishery products and foodstuffs manufactured or processed by

using those products as a main raw material or ingredient, or on its package, etc.;

provided, however, that this does not apply in the following cases:

- (i) when a person uses a geographical indication pertaining to a SAFFPF under registration or similar indication, etc. on agricultural, forestry and fishery products and foodstuffs manufactured or processed by using the SAFFPF as a main raw material or ingredient, or on its package, etc.;
- (ii) when a right holder of a registered trademark (meaning the registered trademark prescribed in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereafter), which was filed for trademark application (excluding a case where an application is made by the intention to use (meaning use as prescribed in Article 2, paragraph (3) of the Trademark Act; hereinafter the same applies in this item and the following item) a registered trademark with a purpose of obtaining an illicit gain, a purpose of causing injury to other persons, or any other wrongful purpose) before the date of the registration provided by Article 6 (when there has been any registration of change under Article 16, paragraph (1) with regard to the information set forth in Article 7, paragraph (1), item (iii) pertaining to the registration, " the date of the registration" is the day of that change; the same applies in the following item and item (iv)) or any other person that has the right to use the registered trademark pursuant to the Articles of the Trademark Act uses the registered trademark for designated goods or designated services (meaning the goods or services designated pursuant to the provisions of Article 6, paragraph (1) of the Trademark Act) under the registration of trademark;
- (iii) when a person that has the right to use a trademark pursuant to the provisions of the Trademark Act or any other law before the date of the registration uses the trademark under the right for goods or services under that right (excluding a case set forth in the preceding item);
- (iv) when, before the date of the registration, without the purpose of obtaining a wrongful gain, causing damages to others, or any other wrongful purpose, a person that has used an indication with the identical name as the geographical indication pertaining to the SAFFPF under registration or similar indication, etc. on agricultural, forestry and fishery products and foodstuffs belonging to the classification to which that SAFFPF is affiliated or on its package, etc., or a person that has succeeded to the business, continues to use the indication on the agricultural, forestry and fishery products and foodstuffs or their package, etc.; or, when a person to whom the agricultural, forestry and fishery products and foodstuffs (limited to those for which that indication is affixed to the product, their package, container or invoice) have been directly or indirectly assigned or delivered by that person uses that indication on those agricultural, forestry and fishery products and foodstuffs or its package, etc. (after seven years have elapsed from the date of the

registration, it is limited to cases where the place of production of the said agricultural, forestry and fishery products and foodstuffs is within that of the said SAFFPF under registration, and where an indication that may sufficiently prevent any confusion between the said agricultural, forestry and fishery products and foodstuffs and the said SAFFPF under registration is used on the said agricultural, forestry and fishery products and foodstuffs);

- (v) beyond what is set forth in the preceding items, when it is provided by the Order of the Ministry of Agriculture, Forestry and Fisheries.

(Registered Mark)

Article 4 A person who uses a geographical indication on a SAFFPF under registration or on their package, etc., may use the registered mark (meaning a mark, provided by the Order of the Ministry of Agriculture, Forestry and Fisheries, stating that the geographical indication refers to the name of the SAFFPF under registration; the same applies in the following paragraph and item (ii) of the following Article) on that SAFFPF or their package, etc..

- (2) Except in cases under the preceding paragraph, it is prohibited for any person to use the registered mark or a mark similar thereto on agricultural, forestry and fishery products and foodstuffs or their package, etc..

(Order for Measures)

Article 5 The Minister of Agriculture, Forestry and Fisheries may order a person that violates the provisions set forth in the following items to take measures provided in the respective items and other necessary measures:

- (i) Article 3, paragraph (2): remove or erase the geographical indication or similar indication, etc.;
- (ii) paragraph (2) of the preceding Article: remove or erase the registered mark or a mark similar thereto.

### Chapter III Registration

(Registration of SAFFPF)

Article 6 A group of producers that has the responsibility of production process management on the agricultural, forestry and fishery products and foodstuffs may receive registration on that product by the Minister of Agriculture, Forestry and Fisheries if that product is SAFFPF and a group of producers has made the specification on that product..

(Application for Registration)

- Article 7 (1) A Group of Producers that intends to receive a registration prescribed in the preceding Article (excluding Article 15, 16, paragraph (1) of the provision to Article 16-2, paragraph (2) and (3) of Article 17, and Article 22, paragraph (1), item (i), (d); hereinafter simply referred to as a "registration") must submit a written application specifying the following information to the Minister of Agriculture, Forestry and Fisheries, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries:
- (i) the name and address of the group of producers, and the name of its representative (if it is a group of producers without legal personality, its representative or administrator);
  - (ii) the classification of the agricultural, forestry and fishery products and foodstuffs;
  - (iii) the name of the agricultural, forestry and fishery products and foodstuffs;
  - (iv) the place of production of the agricultural, forestry and fishery products and foodstuffs;
  - (v) the characteristics of the agricultural, forestry and fishery products and foodstuffs;
  - (vi) the method of production of the agricultural, forestry and fishery products and foodstuffs;
  - (vii) beyond what is set forth from item (ii) to the preceding item, other necessary matters to identify the agricultural, forestry and fishery products and foodstuffs;
  - (viii) beyond what is set forth from item (ii) to the preceding item, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the agricultural, forestry and fishery products and foodstuffs; and
  - (ix) beyond what is set forth in the preceding items, matters as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The following documents must be attached to the written application of the preceding paragraph:
- (i) the specification;
  - (ii) the rules regarding the method of production process management (hereinafter referred to as the "production process management rules"); and
  - (iii) beyond what is set forth in the preceding items, documents provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) A group of producers that undertakes production process management may apply for registration jointly with others.
- (4) The Minister of Agriculture, Forestry and Fisheries must, when an application for registration was made, publicly notify the particulars under items (i) through (iii) of the paragraph (1) and other particulars prescribed by the Order of the Ministry of Agriculture, Forestry and Fisheries without delay.

(Orders to Amend Application for Registration)

Article 7-2

- (1) The Minister of Agriculture, Forestry and Fisheries may order the amendment of the application for registration, designating an adequate time limit when the Minister of Agriculture, Forestry and Fisheries finds a deficiency of formality in the application of paragraph (1) of the preceding Article or in documents listed in paragraph (2) of that Article, or finds these documents to insufficiently state a material particular that is required to be stated therein.
- (2) The Minister of Agriculture, Forestry and Fisheries may dismiss the application for registration where a person ordered to make an amendment thereto under the preceding paragraph fails to make such amendment within a period designated under the provision of that paragraph.

(Public Notice of Application for Registration)

Article 8 When the Minister of Agriculture, Forestry and Fisheries has accepted an application for registration (or when an amended application for registration is received if, pursuant to the provision of paragraph (1) of the preceding Article, amendment of the application for registration has been ordered), the Minister must make a public notice of the information set forth in items (i) to (viii) of paragraph (1) of Article 7 and any other necessary information without delay.

- (2) The Minister of Agriculture, Forestry and Fisheries must keep the copy of the written application in paragraph (1) of Article 7 and the documents set forth in items (i) and (ii) of paragraph (2) of that Article available for public inspection for three months from the date of the public notice under the preceding paragraph and must publicize them by the use of the internet or other means according to the Order of the Ministry of the Agriculture, Forestry and Fisheries.

(Submission of Written Opinion)

Article 9 When there is a public notice under paragraph (1) of the preceding Article, any person may submit a written opinion about the application for registration pertaining to that public notice to the Minister of Agriculture, Forestry and Fisheries within three months from the date of the relevant public notice.

- (2) When the Minister of Agriculture, Forestry and Fisheries has received a written opinion under the preceding paragraph, the Minister must send a copy of that written opinion to the group of producers that has made the application for registration.

(Restrictions on Application for Registration)

Article 10 For the purpose of applying the provisions of paragraph (2) of the preceding Article and paragraphs (2) and (3) of the following Article, an application for registration falling under both of the following items is deemed to be a submission of a written opinion pursuant to the provision of paragraph (1) of the preceding Article with

regard to the application for registration pertaining to the public notice under Article 8, paragraph (1). In this case, the Minister of Agriculture, Forestry and Fisheries must notify it to the group of producers that has made the application for registration falling under all of the respective items:

- (i) the application for registration is made before the period prescribed in paragraph (1) of the preceding Article expires and after the application for registration is accepted pursuant to the provision of paragraph (1) of Article 8 (when an amended application for registration is received if, pursuant to the provision of paragraph (1) of Article 7-2, amendment of the application for registration has been ordered) ;
  - (ii) all or part of integrants on the agricultural, forestry and fishery products and foodstuffs pertaining to the application for registration accord with all or part of integrants on the SAFFPF pertaining to the public notice under Article 8, paragraph (1).
- (2) An application for registration falling under item (ii) of the preceding paragraph cannot be made after the passage of a period of time prescribed in paragraph (1) of the preceding Article; provided, however, that this does not apply after an application for registration pertaining to a public notice under Article 8, paragraph (1) has been withdrawn, refused pursuant to the provisions of Article 13, paragraph (1) or carried out.

#### (Hearing of Opinions of Experts)

Article 11 When the period prescribed in Article 9, paragraph (1) has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with persons having relevant knowledge and experience (hereinafter referred to as "experts" in this Article) as to whether the applications for registration fall under the cases set forth in Article 13, paragraph (1), items (ii) to (iv).

- (2) In the case of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 9, paragraph (1) to experts.
- (3) Experts that have been consulted pursuant to the provision of paragraph (1), if they find it to be necessary, may hear opinions of the group of producers that made the application for registration or the persons that submitted the written opinion pursuant to Article 9, paragraph (1), or other relevant persons.
- (4) Experts that have been consulted pursuant to the provision of paragraph (1) may not leak or misappropriate secrets that they have learned in the course of being asked for their opinions.

#### (Implementation of Registration)



Article 12 When the Minister of Agriculture, Forestry and Fisheries has accepted an application for registration and finished the procedures prescribed in the provisions of Articles 7-2 through the preceding Article, the Minister must register the application, except when registration is refused pursuant to the provisions of paragraph (1) of the following Article.

- (2) The registration is to be made by specifying the following information in the register of SAFFPF:
- (i) the number and date of registration;
  - (ii) the information set forth in Article 7, paragraph (1), items (ii) to (viii); and
  - (iii) the information set forth in Article 7, paragraph (1), item (i).
- (3) When the Minister of Agriculture, Forestry and Fisheries has made the registration, the Minister must notify it to the group of producers that made the application for registration and also publicly notify matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Refusal of Registration)

Article 13 The Minister of Agriculture, Forestry and Fisheries must refuse a registration in the following cases:

- (i) when the group of producers falls under any of the following:
  - (a) the group of producers has had its registration cancelled pursuant to the provisions of Article 22, paragraph (1), and two years have not yet elapsed from the date of the cancellation; or
  - (b) an officer of the group (including the representative or administrator of a group of producers which does not have legal personality; the same applies to 2.) falls under any of the following:
    - 1. a person that was sentenced pursuant to any provisions of this Act, and two years has not yet elapsed from the date on which the person served out the sentence or was exempted from the execution of the sentence; or
    - 2. in the case of a group of producers whose registration was cancelled pursuant to the provisions of Article 22, paragraph (1), a person that was an officer of the group of producers within 30 days before the cancellation and without exceeding two years after the cancellation;
- (ii) when the production process management falls under any of the following:
  - (a) the information set forth in items (ii) to (viii) of that paragraph as provided in the specification attached to the written application in paragraph (1) of Article 7 pursuant to the provisions of paragraph (2) of that article does not accord with the information specified in the written application;
  - (b) the method of production process management provided by the production process management rules does not accord with the standards provided by Order

- of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the production undertaken by a producer as a member of the group of producers accords with the specification;
- (c) the group of producers do not have sufficient financial basis to implement accurate and smooth production process management; or
  - (d) a system necessary to ensure fair implementation of production process management is found not to be established;
- (iii) when the agricultural, forestry and fishery products and foodstuffs pertaining to application for registration (referred to as "agricultural, forestry and fishery products and foodstuffs applied for registration" in the following item) fall under any of the following:
- (a) the product is not SAFFPF; or
  - (b) all or a part of integrants on the product accord with integrants on SAFFPFs pertaining to the registration;
- (iv) when the name of the agricultural, forestry and fishery products and foodstuffs applied for registration falls under any of the following:
- (a) the name is a generic term or when the information set forth in the items of Article 2, paragraph (2) regarding the agricultural, forestry and fishery products and foodstuffs applied for registration cannot be identified by the name; or
  - (b) the name is identical with or similar to the following registered trademarks:
    1. a registered trademark pertaining to agricultural, forestry and fishery products and foodstuffs applied for registration or a product similar thereto; or
    2. a registered trademark pertaining to a service related to agricultural, forestry and fishery products and foodstuffs applied for registration or a product similar thereto.
- (2) The provision in the preceding paragraph (limited to the part pertaining to item (iv), (b)) does not apply if a group of producers falling under any of the following items files an application for registration regarding agricultural, forestry and fishery products and foodstuffs the name of which is prescribed in item (iv), (b) of that paragraph:
- (i) a group of producers that is an owner of a registered trademark prescribed in item (iv), (b) of the preceding paragraph (when an exclusive right to use has been established for that trademark, this is limited to cases where approval of the exclusive licensee of the relevant exclusive right to use has been established with regard to the registration of agricultural, forestry and fishery products and foodstuffs the name of which is provided in (b) of the relevant item);
  - (ii) If the exclusive right to use that registered trademark prescribed in item (iv), (b) of the preceding paragraph has been established, this is limited to cases where a group of producers is an exclusive licensee of that exclusive right (limited to cases where approval of the following persons has been obtained with regard to the registration of

agricultural, forestry and fishery products and foodstuffs the name of which is prescribed in (b) of that item):

- (a) the owner of that registered trademark; and
  - (b) exclusive licensee of that exclusive right other than that group of producers;
- (iii) a group of producers that has obtained approval of the owner of a registered trademark prescribed in item (iv), (b) of the preceding paragraph with regard to registration of agricultural, forestry and fishery products and foodstuffs the name of which is provided in item (iv), (b) of that paragraph (if an exclusive right to use is established for that trademark, limited to cases where approval of the exclusive licensee of that exclusive right to use has been obtained with regard to the registration of the agricultural, forestry and fishery products and foodstuffs).
- (3) When the Minister of Agriculture, Forestry and Fisheries has refused registration pursuant to the provisions of paragraph (1), the Minister must give notice in writing to the effect and the reason to the group of producers that filed the application for registration.

(Public Inspection of the Register of SAFFPF)

Article 14 The Minister of Agriculture, Forestry and Fisheries must keep the register of SAFFPF available to the public.

(Registration of Change to Add Group of Producers)

Article 15 A group of producers intending to undertake production process management for SAFFPF pertaining to a registration under Article 6 (excluding the group of producers that received the registration) may register a change to add the information set forth in Article 7, paragraph (1), item (i) pertaining to that group of producers to the matters set forth in Article 12, paragraph (2), item (iii).

- (2) The provisions in Articles 7, paragraphs (1) through (3), Articles 7-2 to 9 and Article 11 to 13 apply mutatis mutandis to registration of change prescribed in the preceding paragraph. In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "the information set forth in item (i), the registration number, and the information set forth in Article 9", the term "the information set forth in paragraph (1), items (i) to (viii) of the Article 7" in Article 8, paragraph (1) is deemed to be replaced with "the information set forth in paragraph (1), item (i) of the Article 7, the registration number", the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11, paragraph (1) is deemed to be replaced with "Article 13, paragraph (1), items (ii) and (iv) (excluding (a))", the term "through the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "through Article 9, and the preceding Article", the term "following information" in paragraph (2) of Article 12 is deemed to be replaced with "information set forth in the date of change and item (iii)", the term "in the following

cases" in Article 13, paragraph (1) is deemed to be replaced with "in the cases set forth in items (i), (ii) and (iv) (excluding (a))", and the term "the information specified in the written application" in item (ii), (a) of paragraph (1) of Article 13 is deemed to be replaced with "the information set forth in paragraph (2), item (ii) of the preceding Article pertaining to registration number in the written information".

(Registration of Change of Registered Information on SAFFPF)

Article 16 A group of producers which has received a registration pursuant to Article 6 (including a group of producers that has received a registration of change referred to in the preceding article, paragraph (1); hereinafter referred to as a "registered group of producers") must receive a registration of change where that group intends to make a change to the matters set forth in Article 12, paragraph(2), item (ii).

(2) In the case of the preceding paragraph, if there are two or more registered groups of producers pertaining to a registration in Article 6, all registered groups of producers pertaining to the registration must jointly apply for registration of change in that paragraph.

(3) The provisions in Article 7, paragraphs (1) , (2) and (4), Articles 7-2 to 9, and Articles 11 to 13 (if the matters pertaining to registration of change as prescribed in paragraph (1) are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, excluding the provisions of paragraph (4) of Article 7, Articles 8, 9 and 11) apply mutatis mutandis to a registration of change as prescribed in paragraph (1). In this case, the term "the following information" in Article 7, paragraph (1) is deemed to be replaced with "the information set forth in Article 12, paragraph (2), items (i) and (iii) , and the information pertaining to change prescribed in item (ii) of that paragraph", the term " when an application for registration was made" in Article 7, paragraph (4) is deemed to be replaced with " when an application for registration was made (limited to the case where the application included changes related to the information set forth in Article 12, paragraph (2), item (ii) (limited to the part pertaining to Article 7, paragraph (1), item (iii)))", the term "under items (i) through (iii) of the paragraph (1)" is deemed to be replaced with "under items (i) and (iii) of the paragraph (2) of Article 12, and the information pertaining to that change", the term "the information set forth in items (i) to (viii) of paragraph (1) of Article 7" in Article 8, paragraph (1) is deemed to be replaced with the term "the information set forth in items (i) and (iii) of paragraph (2) of the Article 12, and the information set forth in item (ii) of paragraph (2) of that Article pertaining to change", the term "the Article 7-2 to the preceding Article" in Article 12, paragraph (1) is deemed to be replaced with "that Article 7-2 to Article 9, and the preceding Article" in cases other than the case where the information pertaining to the registration of change as prescribed in paragraph (1) are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or replaced with "the

Article 7-2" if the matters pertaining to the registration of change as prescribed in that paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, the term "the following information" in paragraph (2) of that Article is deemed to be replaced with "the information pertaining to the date of change and the change", and the term "the information" in (a) of item (ii) of paragraph (1) of Article 13 is deemed to be replaced with "among the information, those pertaining to change".

(Approval of Change of Specification)

Article 16-2 (1)A registered group of producers intending to make a change to the specification must obtain the approval from the Minister of Agriculture, Forestry and Fisheries; provided however, that this shall not apply if both registered information and specification are changed at the same time under the preceding article, paragraph (1).

(2) Pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, a registered group of producers seeking to be approved in the preceding paragraph (referred to as "applied registered group of producers" in the following paragraph and paragraph (4)) must submit to the Minister of Agriculture, Forestry and Fisheries a written application relating to a change of specification by attaching its production process management rules.

(3) If an application for the approval of change of specification conforms to all the following items, the Minister of Agriculture, Forestry and Fisheries shall approve the change of specification:

(i) if the information specified in the application in the preceding paragraph conforms with the information set forth in Article 12, paragraph (2), item (ii); and

(ii) the method of production process management specified in the production process management rules complies with the criteria provided by the Order of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the production undertaken by a producer as a member of the applied registered group of producers conforms with the information specified in the application in the preceding paragraph.

(4) When the Minister of Agriculture, Forestry and Fisheries makes the approval pursuant to the provisions of the preceding paragraph, the Minister must notify it to the applied group of producers and also publicly notify matters prescribed in Order of the Ministry of Agriculture, Forestry and Fisheries.

(Notification of Change in Registered Group of Producers)

Article 17 When changes have been made to any of information in Article 12, paragraph (2), item (iii) pertaining to the registered group of producers, the group must notify the effect and the date of change to the Minister of Agriculture, Forestry and Fisheries without delay.

- (2) When the Minister of Agriculture, Forestry and Fisheries has received a notification under the preceding paragraph, the Minister must register the change pertaining to the notification in the register of SAFFPF.
- (3) When the Minister of Agriculture, Forestry and Fisheries has registered the change prescribed in the preceding paragraph, the Minister must publicly notify that effect.

(Notification of Change to Production Process Management Rules)

Article 18 A registered group of producers that intends to make changes to its production process management rules must notify the Minister of Agriculture, Forestry and Fisheries in advance.

(Notification of Suspension of Production Process Management)

Article 19 A registered group of producers that intends to suspend its production process management must notify the Minister of Agriculture, Forestry and Fisheries in advance.

(Invalidation of Registration)

Article 20 A registration (when there are two or more registered groups of producers pertaining to the registration, this is limited to the part pertaining to the information specified in Article 12, paragraph (2), item (iii); hereinafter the same applies in this Article) will be invalidated if the registration falls under any of the following items:

- (i) if the registered group of producers has been dissolved and the liquidation has been completed; or
  - (ii) if the registered group of producers has discontinued its production process management.
- (2) When a registration has been invalidated pursuant to the provisions of the preceding paragraph, the registered group of producers pertaining to the registration (in the case set forth in item (i) of that paragraph, a liquidator) must notify the Minister of Agriculture, Forestry and Fisheries of the reason and the date of its invalidation without delay.
  - (3) When a registration has been invalidated pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must delete the registration from the register of SAFFPF
  - (4) When the Minister of Agriculture, Forestry and Fisheries has deleted a registration pursuant to the provisions of the preceding paragraph, the Minister must publicly notify the effect.

(Order for Measures)

Article 21 The Minister of Agriculture, Forestry and Fisheries, in the following cases, may order a registered group of producers to change the specification or the production process management rules, and to take any necessary measures:

- (i) if a producer who is a member of that registered group of producers violates the provisions of paragraph (2) of Article 3, paragraph (2) of Article 4, or orders under Article 5;
- (ii) if the specification do not accord with the information set forth in Article 12, paragraph (2), item (ii); or
- (iii) if it falls under Article 13, paragraph (1), item (ii) (excluding (a)).

(Cancellation of Registration)

Article 22 The Minister of Agriculture, Forestry and Fisheries, in the following cases, may cancel all or part of a registration:

- (i) if a registered group of producers falls under any of the following:
    - (a) the group no longer conforms with the definition of "group of producers";
    - (b) the group has fallen under the situation prescribed in Article 13, paragraph (1), item (i), (b) (limited to the part pertaining to 1.);
    - (c) the group violates an order under the preceding Article; or
    - (d) the group has, by wrongful means, received a registration prescribed in Article 6 or a registration of change prescribed in paragraph (1) of Article 15 or paragraph (1) of Article 16, or obtained the approval of change prescribed in paragraph (1) of Article 16-2;
  - (ii) if a registered SAFFPF falls under Article 13, paragraph (1), item (iii), (a);
  - (iii) if the name of a registered SAFFPF falls under Article 13, paragraph (1), item (iv), (a); or
  - (iv) if a holder of a trademark or an exclusive licensee of that trademark prescribed in the respective items of paragraph (2) of Article 13 has withdrawn the consent prescribed in the respective items of that paragraph.
- (2) The provisions of Articles 8, 9, and 11 apply mutatis mutandis to the cancellation of registration under the preceding paragraph (limited to the part pertaining to items (ii) and (iii) of that paragraph). In this case, the term "the information set forth in items (i) to (viii) of paragraph (1) of Article 7 and any other necessary information without delay" in Article 8, paragraph (1) is deemed to be replaced with "the registration number and the reason for cancellation, the reason on information set forth in items (i) to (viii) of paragraph (1) of Article 7 and any other necessary information in advance", the term "the written application in paragraph (1) of Article 7 and the documents set forth in item (i) " in paragraph (2) of Article 8 is deemed to be replaced with "the documents set forth in item (i) " and the term "Article 13, paragraph (1), items (ii) to (iv)" in Article 11,

paragraph (1) is deemed to be replaced with "Article 22, paragraph (1), items (ii) and (iii)".

- (3) When the Minister of Agriculture, Forestry and Fisheries has cancelled all or part of a registration under paragraph (1), the Minister must delete all or part of the registration from the register of SAFFPF.
- (4) When the Minister of Agriculture, Forestry and Fisheries has deleted all or part of a registration pursuant to the provisions of the preceding paragraph, the Minister must notify the effect to the registered group of producers pertaining to the cancellation of the registration, and publicly notify it.

#### Chapter IV Special Provisions for SAFFPF of Foreign Countries

(Designation of SAFFPF of Foreign Countries)

Article 23 In order for Japan to protect the name of a SAFFPF mutually with a foreign state (meaning a state or region outside the territory of Japan; hereinafter the same applies in this paragraph) that has an equivalent system for protection of names of SAFFPF in accordance with this Act (hereinafter referred to as "equivalent system") and that satisfies all of the following requirements (hereinafter referred to as "contracting state"), the Minister of Agriculture, Forestry and Fisheries may designate the SAFFPF of the contracting state whose names are protected under the equivalent system of that contracting state:

- (i) having concluded an international agreement with Japan that includes the matters listed below:
    - (a) the names of SAFFPF of Japan should be protected by that foreign state under the equivalent system; and
    - (b) the names of SAFFPF of that foreign state should be protected by Japan under this Act;
  - (ii) with regard to the names of SAFFPF of Japan that should be protected under the international agreement specified in the preceding item, it is found that the competent authority of that foreign state is to take necessary measures when the Japanese government or a registered group of producers pertaining to the SAFFPF asks for appropriate protection of that name.
- (2) The designation in the preceding paragraph (hereinafter simply referred to as "designation") is to be made by stipulating the following matters:
- (i) the classification of the SAFFPF;
  - (ii) the name of the SAFFPF;
  - (iii) the place of production of the SAFFPF;
  - (iv) the characteristic of the SAFFPF;



- (v) beyond what is set forth in the preceding items, the method of production of the SAFFPF and other necessary matters to identify the SAFFPF; and
- (vi) beyond what is set forth in the preceding items, matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries with regard to the SAFFPF.

(Public Notice before Designation)

Article 24 Having provided a designation, the Minister of Agriculture, Forestry and Fisheries must in advance publicly notify the information set forth in the respective items of paragraph (2) of the preceding Article and other necessary matters.

(Submission of Written Opinion)

Article 25 When a public notice is made under the preceding Article, any person may submit a written opinion about the designation of the SAFFPF pertaining to the public notice to the Minister of Agriculture, Forestry and Fisheries within three months from the day of that public notice.

(Restrictions on Application for Registration When There Is a Public Notice for Designation)

Article 26 (1) For the purpose of applying the provisions of paragraphs (3) and (4) of the following Article, an application for registration falling under all of the following items is deemed to be a submission of a written opinion pursuant to the preceding Article with regard to the designation of the SAFFPF pertaining to the public notice under Article 24 (hereinafter referred to as "candidate SAFFPF for designation"). In this case, the Minister of Agriculture, Forestry and Fisheries must notify it to the group of producers that has applied for the registration that falls under all of those items:

- (i) the application for registration is made before the period prescribed in the preceding article expires and after the day on which the public notice was made under Article 24 is made.;
  - (ii) all or a part of integrants on the agricultural, forestry and fishery products and foodstuffs pertaining to the application for registration accord with all or part of integrants on the candidate SAFFPF for designation.
- (2) An application for registration pertaining to item (ii) of the preceding paragraph cannot be made after the period stipulated to the preceding Article expires; provided, however, that this does not apply after a candidate SAFFPF for designation has not been designated or has been designated pursuant to the provisions of Article 29, paragraph (1).

(Hearing of Opinions of Experts)

Article 27 When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries must consult with experts as to whether the candidate SAFFPF for designation fall under a case set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate SAFFPF for designation fall under a case set forth in (a) and (b) of item (ii) of the same paragraph.

- (2) When the period prescribed in Article 25 has expired, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries, the Minister of Agriculture, Forestry and Fisheries may consult with experts as to whether the name of the candidate SAFFPF for designation falls under a case set forth in Article 29, paragraph (1), item (ii), (c).
- (3) In the case of the preceding two paragraphs, the Minister of Agriculture, Forestry and Fisheries must show the contents of written opinions submitted pursuant to Article 25 to experts.
- (4) Experts that have been consulted pursuant to the provisions of paragraph (1) or (2), may hear opinions of the person that submitted a written opinion pursuant to Article 25 and other relevant persons if they find it to be necessary.
- (5) Experts that have been consulted pursuant to the provisions of paragraph (1) or (2) should not leak or misappropriate secrets that they have learned in the course of being asked for their opinions.

#### (Implementation of Designation)

Article 28 When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24 to the preceding Article, the Minister must designate the candidate SAFFPF for designation products except when the designation will not be provided pursuant to the provisions in paragraph (1) of the following Article.

- (2) When the Minister of Agriculture, Forestry and Fisheries has designated that, the Minister must publicly notify the following matters promptly:
  - (i) the number and date of designation;
  - (ii) the name of the contracting state for the designation; and
  - (iii) the information set forth in the respective items of Article 23, paragraph (2).

#### (Criteria of Designation)

Article 29 The Minister of Agriculture, Forestry and Fisheries must not designate a candidate SAFFPF for designation products in the following cases:

- (i) when all or a part of the candidate SAFFPF for designation fall under a registered or designated SAFFPF;
- (ii) if the name of the candidate SAFFPF for designation falls under any of the following:

- (a) when the name is a generic term; or
  - (b) when the name is identical with or similar to the following registered trademarks:
    - 1. a registered trademark pertaining to the candidate SAFFPF for designation or a product similar thereto;
    - 2. a registered trademark pertaining to services related to a candidate SAFFPF for designation or to a product similar thereto;
  - (c) when the name becomes no longer protected under the equivalent system of the contracting state, or when it falls under a case provided by Order of the Ministry of Agriculture, Forestry and Fisheries which stipulates cases where the name should not be protected.
- (2) The provisions in the preceding paragraph (limited to the part pertaining to item (ii), (b)) do not apply if the Minister of Agriculture, Forestry and Fisheries has obtained consent of the holder of the trademark pertaining to the registered trademark provided in (b) of that item with regard to a designation of a SAFFPF whose names are defined by (b) of the same item (when an exclusive right to use has been established for that registered trademark, this is limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the designation of the SAFFPF).

(Geographical Indication of SAFFPF Pertaining to Designation)

Article 30 A designated SAFFPF must be deemed to be a registered SAFFPF pertaining to an application of the provisions of Article 3 and paragraph (1), item (iii), (b) of Article 13. In this case, the term "has received a registration pursuant to Article 6 (simply referred to as "registration" in the following paragraph (excluding item (ii)) and paragraph (1) of the following Article)" in Article 3, paragraph (1) is read as "has been designated pursuant to paragraph (1) of Article 23 (simply referred to as "designation" in the following paragraph)", the term "the date of the registration provided by Article 6 (when there has been any registration of change under Article 16, paragraph (1) with regard to the information set forth in Article 7, paragraph (1), item (iii) pertaining to the registration, "the date of the registration" is the day of that change" in Article 3, paragraph (2), item (ii) is read as "the date of the designation (when there has been any designation of change under Article 31, paragraph (1) with regard to the information set forth in Article 23, paragraph (2), item (ii) , "the date of the designation" is the day of that change", the term " the date of the registration " in Article 3, paragraph (3) is read as " the date of the designation ", the term " the date of the registration " in Article 3, paragraph (4) is read as " the date of the designation ", the term " after seven years have elapsed from the date of the registration, it is limited to cases where the place of production of the said agricultural, forestry and fishery products and foodstuffs is within

that of the said SAFFPF under registration, and where an indication that may sufficiently prevent any confusion between the said agricultural, forestry and fishery products and foodstuffs and the said SAFFPF under registration is used on the said agricultural, forestry and fishery products and foodstuffs" in Article 3, paragraph (4) is read as " it is limited to cases where seven years have not elapsed from the date of designation of the SAFFPF, and where said products are produced outside the territory of the contracting state (meaning the contracting state prescribed in Article 23, paragraph (1))".

(Change of Designation)

Article 31 If any of the information set forth in any item of Article 23, paragraph (2) is changed in the equivalent system of the contracting state, the Minister of Agriculture, Forestry and Fisheries must change the content of the designation of the relevant SAFFPF.

(2) The provisions in Articles 24, 25, and 27 through 29 (if the matters pertaining to the change of designation under the preceding paragraph are those provided by Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, excluding the provisions of Articles 24, 25 and 27) apply mutatis mutandis to the change of designation under the preceding paragraph. In this case, the term " the information set forth in the respective items of paragraph (2) of the preceding Article " in Article 24 is deemed to be replaced with " the designation number, information relating to change among the information set forth in the respective items of paragraph (2) of the preceding Article ", the term " whether the candidate SAFFPF for designation " in Article 27, paragraph (1) is deemed to be replaced with " whether the SAFFPF pertaining to the public notice in Article 24", the term " the name of the candidate SAFFPF for designation " in the same paragraph is deemed to be replaced with " the name of the said SAFFPF", the term " the candidate SAFFPF for designation" in paragraph (2) of Article 27 is deemed to be replaced with " the SAFFPF pertaining to the public notice in Article 24", the term " under Article 24 to the preceding Article " in Article 28, paragraph (1) is deemed to be replaced with " under Article 24, Article 25 and the preceding Article " in cases other than the case where the information pertaining to the change of designation under the preceding paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or the term "When the Minister of Agriculture, Forestry and Fisheries has completed the procedures under Article 24 to the preceding Article, the Minister" is replaced with " The Minister" in cases where the information pertaining to the change of designation under the preceding paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, the term " the following matters" in paragraph (2) of Article 28 is deemed to be replaced with " the designation number, date of change and information relating to change and matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries ", and

the term " the candidate SAFFPF for designation " in Article 29, paragraph (1), item (i) is deemed to be replaced with " the SAFFPF pertaining to the public notice in Article 24 " in cases other than the case where the information pertaining to the change of designation under the preceding paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or term "the candidate SAFFPF for designation" is replaced with " the SAFFPF changing by the provision of the paragraph(1) of Article 31 (referred to as " the candidate SAFFPF for designation relating to change" in this paragraph)", and the term "the candidate SAFFPF for designation" in Article 29, paragraph (1), item (ii) is deemed to be replaced with "the SAFFPF pertaining to the public notice in Article 24 " in cases other than the case where the information pertaining to the change of designation under the preceding paragraph are those provided by the relevant Order of the Ministry of Agriculture, Forestry and Fisheries as being minor, or term "the candidate SAFFPF for designation" is replaced with " the candidate SAFFPF for designation relating to change".

#### (Cancellation of Designation)

Article 32 The Minister of Agriculture, Forestry and Fisheries may, in the cases listed below, cancel all or a part of a designation:

- (i) if the name of the SAFFPF pertaining to a designation has fallen under either (a) or (c) of Article 29, paragraph (1), item (ii); or
  - (ii) if a holder of trademark or an exclusive licensee as provided in Article 29, paragraph (2) has withdrawn the approval stipulated in the same paragraph.
- (2) The provisions of Articles 24, 25, and 27 apply mutatis mutandis to the cancellation of designation under the preceding paragraph (limited to the part pertaining to item (i)). In this case, the term "the information set forth in the respective items of paragraph (2) of the preceding Article" in Article 24 is deemed to be replaced with "the designation number, reason for cancellation", the term "whether the candidate SAFFPF for designation fall under a case set forth in Article 29, paragraph (1), item (i) and whether the name of the candidate SAFFPF for designation " in Article 27, paragraph (1) is deemed to be replaced with "the name of SAFFPF pertaining to the public notice under Article 24", the term "item (ii), (a) and (b) of the same paragraph" in the same paragraph is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (a))", and the term " the candidate SAFFPF for designation " in paragraph (2) of the same Article is deemed to be replaced with "SAFFPF pertaining to the public notice under Article 24", and the term "Article 29, paragraph (1), item (ii), (c)" in the same paragraph is deemed to be replaced with "Article 32, paragraph (1), item (i) (limited to the part pertaining to Article 29, paragraph (1), item (ii), (c))".

- (3) Having cancelled all or a part of the designation under paragraph (1), the Minister of Agriculture, Forestry and Fisheries must publicly notify it promptly.

## Chapter V Miscellaneous Provisions

### (Method of Public Notice)

Article 33 A public notice under this Act is to be performed through the Internet or through other appropriate methods.

- (2) The necessary matters concerning a public notice set forth in the preceding paragraph are provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

### (Report and On-Site Inspection)

Article 34 The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Act, request a registered group of producers, producers and other persons concerned to make the necessary report on its business or have officials of the Ministry enter the offices, local offices, warehouses, farms, factories or any other place of the group, manufacturer or persons and have them inspect the situation of the business, agricultural, forestry and fishery products and foodstuffs, their ingredients, books, documents or other articles.

- (2) An official that conducts the on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and produce it to the people concerned.
- (3) The authority for conducting on-site inspection prescribed in paragraph (1) must not be construed as given for criminal investigation.

### (Report to the Minister of Agriculture, Forestry and Fisheries)

Article 35 Any person that considers that a fact involving violation of the provisions of Article 3, paragraph (2) or Article 4, paragraph (2) exists may report it to the Minister of Agriculture, Forestry and Fisheries and request the Minister to take the appropriate measures, in accordance with the procedures as provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) When a report under the preceding paragraph has been filed, the Minister of Agriculture, Forestry and Fisheries must conduct the necessary investigation, and when the Minister has found the contents of that report to be true, the Minister must take the measures prescribed in Article 5 or 21, or other appropriate measures.

### (Cooperation of Relevant Administrative Organs)

Article 36 The Minister of Agriculture, Forestry and Fisheries may request the heads of relevant administrative agencies to submit documents or information, offer their opinions and other cooperation as deemed necessary to attain the purpose of this Act.

(Delegation of Authority)

Article 37 The authority of the Minister of Agriculture, Forestry and Fisheries provided in this Act may be delegated in part to chiefs of local administrative offices pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 38 Beyond what is provided in this Act, procedures and other matters required for the implementation of this Act are specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

## Chapter VI Penal Provisions

Article 39 Any person that violates an order under Article 5 (limited to the part pertaining to item (i)) is to be punished by imprisonment for not more than five years or a fine of not more than 5 million yen, or both.

Article 40 Any person that violates an order under Article 5 (limited to the part pertaining to item (ii)) is to be punished by imprisonment for not more than three years or a fine of not more than 3 million yen.

Article 41 Any person that violates an order under the provisions of Article 11, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 15, paragraph (2), Article 16, paragraph (3), and Article 22, paragraph (2)) and Article 27, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 31, paragraph (2) and Article 32, paragraph (2)) is to be punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.

Article 42 Any person that falls under any of the following items is to be punished by a fine of not more than 300,000 yen:

- (i) a person that has failed to submit a notification under Article 17, paragraph (1) or Article 20, paragraph (2), or filed a false notification; or
- (iv) a person that has failed to submit a report under Article 34, paragraph (1), or filed a false report, or refused, interfered with or avoided inspections under that paragraph.

Article 43 When a corporation (including an organization without legal personality with provisions for a representative or an administrator; hereinafter the same applies in this paragraph) or a representative or manager, or an agent, employee, or other worker of a corporation or individual commits a violation of any of the provisions set forth in the following items with regard to the business of that corporation or individual, not only the offender is to be punished but also the corporation, by the fine prescribed respectively in those items, and the relevant individual, by the fine prescribed in the respective Articles:

- (i) Article 39: a fine of not more than 300 million yen;
  - (ii) Article 40: a fine of not more than 100 million yen; or
  - (iii) the preceding Article: a fine set forth in that Article.
- (2) When the preceding paragraph applies to an organization without legal personality, its representative or administrator represent the organization without legal personality in litigation, and the legal provisions concerning cases of criminal litigation in which a corporation is the accused or the suspect apply *mutatis mutandis*.