

IEICE Provisions on Copyright

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Partially revised 16 April 2020 Partially revised 19 May 2022

Aims

Article 1 These provisions aim to lay down the handling of copyright on edited works, database works and individual works owned by the Institute of Electronics, Information and Communication Engineers (IEICE).

Terms

Article 2 Terms used in these provisions shall be defined as follows:

1. copyright – includes all rights stipulated in articles 21 through 28 of the Japan Copyright Act;
2. work – refers to a creative expression of thought or emotion, covering the arts, scholarship, fine art and music;
3. author – one who creates works.

Hereinafter, works for which the IEICE holds the copyright shall be referred to as “IEICE works.”

Ownership of Copyright

Article 3 As a rule, the copyrights for edited works of the IEICE, database works, and individual works belong to the IEICE.

2. In cases where the principle of the preceding paragraph cannot be observed on account of extraordinary circumstances, the author shall inform the IEICE accordingly when submitting or contributing his/her article.

Transfer of Copyright

Article 4 The transfer of copyright from an author to the IEICE shall be effective from the time the work that has been submitted or contributed is received by the IEICE. At that time, the authors should have confirmed the content regarding the copyright defined in these regulations and expressed the intention to transfer the copyright by the means specified for submission.

2. In the case that a work for which the IEICE had formerly received a deed of copyright transfer becomes unable for publication in the IEICE Transactions, etc., the IEICE shall return any copyrights they hold at that time on the work concerned.

3. The transfer of copyright on edited and database works from an author to the IEICE shall take effect from the time the deed of transfer is received by the IEICE, the author of the edited and database works having read and understood the IEICE's Provisions on Copyright as set down in these regulations, entered the necessary information, and signed the deed of copyright transfer.

Use of IEICE Works

Article 5 Use by an author of his/her own work in part or entirety for personal purposes within the bounds of article 30 of the Japan Copyright Act does not require permission from the IEICE.

2. An author does not require permission from the IEICE to use his/her own work when the use is for nonpersonal but noncommercial purposes and when it does not unfairly infringe on the IEICE's interests. If the work is to be used for commercial purposes, the authors must, in principle, obtain permission from the IEICE in advance using the application form for permission to use IEICE works, provided separately.

3. In such a case that a third-party individual or corporation other than the authors wishes to use IEICE edited works, database works or individual works in part or entirety, the third party must obtain permission from the IEICE in advance by way of the application form for permission to use IEICE works, provided separately. At such time, permission shall only be granted in cases the IEICE deems to be appropriate.
4. When using IEICE works, the source must be clearly indicated.
5. IEICE works that adopt the Creative Commons license do not require permission from the IEICE when used under the terms of the license.

Responsibilities of the Author

Article 6 Concerning the contents of IEICE works, the author shall take responsibility for the portions of the work he/she was involved in creating.

2. In cases where IEICE works are sued by another party for infringement of copyright, a dispute has arisen over the said work or a dispute has arisen over damage to the reputation of another party, the author shall, in principle, take responsibility and deal with the portions he/she has been involved in creating.

Prevention of Copyright Infringement

Article 7 In the case that a third party infringes upon (or is suspected to have infringed upon) IEICE works, the IEICE and the author shall contact each other, discuss how to handle the issue and work toward a solution.

Exceptional Measures

Article 8 In the context of an activity co-sponsored by the IEICE and another academic institution, when calling for papers, where separate arrangements exist with the other academic

institution, the said arrangements may be given priority over the present regulations. Notwithstanding, when unable to apply the principle set forth in Article 3, Paragraph 1 – namely, in cases of agreement that the copyright does not belong to the IEICE because of ensuring constant copyright management, for instance – prior deliberations shall be held with the Copyright Management Committee.

Handling of Already-Published Works

Article 9 These regulations shall be applied mutatis mutandis to works whose copyrights have been held by IEICE from before these regulations were put into effect, unless a separate proposal is made by the author and the IEICE deems the author to have good reason for the said proposal.

Supplementary Provisions

1. Any items relating to copyright and not stipulated in these provisions shall be governed by and construed under the Japan Copyright Act.

2. In the present regulations, copyright refers to the following rights:

Right of reproduction (article 21)	Right of performance (article 22)	Right of screen presentation (article 22-2)
Rights of public transmission, etc. (article 23)	Right of recitation (article 24)	Right of exhibition (article 25)
Right of distribution (article 26)	Right of ownership transfer (article 26-2)	Right of rental (article 26-3)
Rights of translation, adaptation, etc. (article 27)	Right of the original author in the exploitation of a derivative work (article 28)	

3. Handling of the aforementioned copyrights shall be governed by the IEICE Charter on Ethics.

4. IEICE works shall include the following:

- * The Journal of the IEICE, The IEICE Transactions of the various Societies
- * The IEICE Transactions (Japanese Edition), The IEICE Transactions (English Edition)
- * Conference Proceedings (from the General Conference, Society conferences, international conferences, etc.)
- * Technical Report, etc. (The copyright on workshop materials of types 2 and 3 shall belong to the author (Internal Regulations on Workshop Administration))
- * Various handbooks, etc.
- * Textbooks, hardcover books
- * Collected papers from symposia, etc.
- * Other materials provided to members in general, at charge or for free
- * Any of the above materials in the form of DVD, CD-ROM or other electronic media, or websites
- * Websites and other publicly transmitted materials, etc.
- * Content provided on websites, etc.

5. Any detailed regulations necessary to implement the present regulations shall be laid down in the respective related provisions.

6. Any revisions to the present provisions are subject to the approval of the Board of Directors.

7. The present regulations were approved and enacted by the Board of Directors on 24 February 2003.

8. These provisions shall be executed on 1 April 2003.

Supplementary Provision

1. The revisions of 24 September 2012 shall be applied from 24 September 2012.

2. The revisions of 27 October 2015 shall be applied from 27 October 2015.
3. The revisions of 16 April 2020 shall be applied from 16 April 2020.
4. The revisions of 19 May 2022 shall be applied from 19 May 2022.

Explanation of IEICE Provisions on Copyright

1 Glossary

·Transfer of copyrights:

Copyrights transferred to the IEICE include all rights stipulated in articles 21 through 28 of the Japan Copyright Act (hereinafter, referred to as the copyright act).

http://www.japaneselawtranslation.go.jp/law/detail_main%3Fre%3D%26vm%3D%26id%3D1980

- Right of reproduction (article 21)
- Right of performance (article 22)
- Right of screen presentation (article 22-2)
- Rights of public transmission, etc. (article 23)
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The moral rights of the author are regarded as “personal and exclusive rights” that cannot be transferred to anyone else, so in submitting a copyright transfer form to the IEICE, an author is not transferring any of his or her personal rights to the IEICE. Note that these rights lapse when an author dies (article 59).

The moral rights of the author include the “Right to make the work public (article 18)”, “Right to determine the indication of the author’s name (article 19)”, and “Right to maintain integrity (article 20)”.

Upon submission or contribution by authors to the IEICE Journal, academic journals or other publications, as a rule, it is determined that copyrights

shall be assigned to the IEICE. The IEICE, however, operates in accordance with the concept of “taking custody of author copyrights.” Namely, respect is shown in the use of rights originally held by authors, with consideration taken to avoid inconveniencing authors as a result of copyright transfer. The primary two objectives of copyright transfer are listed below.

- ① To lighten the burden of authors by having IEICE execute the paperwork for works use permission requests to use works received from third parties.
- ② To promote mutual use by members of information and other aspects of presented papers as one phase of the “research and knowledge exchanges” pursuant to article 3 of the articles of association. The following types of use shall also become possible subsequent to publication by submission or contribution.

- * English translation of Japanese papers for presentation overseas
- * Issuing of selected papers (special issues, etc.) in specific fields
- * Supply through posting on websites and other wide-ranging use formats through the digitization of copyrighted works

***Edited work:** Refers to a work demonstrating creativity in terms of arrangement and selection of individual papers and articles, for example, in a magazine or an encyclopedia, that is not searchable using computers (written on paper). Supplementary Provision 4 shows examples of representative edited works of the IEICE.

***Database work:** Refers to a work demonstrating creativity in terms of arrangement and selection of individual papers and articles, for example, in a magazine or an encyclopedia, that is searchable using computers. (article 2, Paragraph 1, Number 3 of Item 10, article 12, Item 2) Supplementary Provision 4 shows examples of representative database works of the IEICE.

***Individual work:** Refers, for example, to a single article in a magazine. Specific examples are the individual papers in a Journal.

Personal and nonpersonal use objectives:

Personal use: (1) Use by an individual; (2) Use within a family; (3) Use within a scope equivalent to a family group (relatives, close friends, etc.)

where “within a scope equivalent” is defined as “a group similar to a family group gathering usually numbering about 4 to 5 people who have a close and exclusive relationship similar to a family group gathering” (No. 5 subcommittee report (S56) of the copyright enquiry commission). For example, this could apply to a specific small number of close friends or to a small research group (source: Japanese Agency for Cultural Affairs website).

Nonpersonal use: Use outside of those described above (the copyright act; article 30) and use outside of the terms of the license in IEICE works that adopt the Creative Commons license require permission from the copyright holder. In the IEICE, as a rule, authors are permitted to use their own work for noncommercial purposes without requesting permission from the IEICE, when such use does not unfairly infringe on the IEICE’s interests and on the premise that the authors clearly indicate their sources, provide proprietary rights notice, and take other proper steps. Table 1 shows the classification of personal and non-personal use defined by the IEICE.

Table 1: Classification of personal and non-personal use as defined by the IEICE (*1) (*2)

Classification of purposes		Permission request
Personal use (the copyright act; article 30)	Use by an individual, within a family or within a scope equivalent to a family group	Unnecessary
Non-personal use	Non-commercial purposes (*3)	Unnecessary (Source and copyright details must be clearly indicated)
	Reproduction of one’s own paper (in part) in another institute’s journal, etc.	(*5, *6,)
	Use or distribution of one’s own paper (all or in part) as educational materials for a school	Necessary
	Use or distribution of one’s own paper (all or in part) in lectures other than the above	

	Commercial purposes (*4)	Publication/translation, reproduction, distribution, or disclosure for commercial activities	
		Use and distribution in lectures other than the above	

(*1) For details, refer to “2. Standard for requesting the use of authored works”, and “Copyright FAQ”.

(*2) IEICE works that adopt the Creative Commons license do not require permission from the IEICE when used under the terms of the license.

(*3) **Noncommercial purposes:** Fulfills the requirements of being “free” and “uncompensated.”

(*4) **Commercial purposes:** Uses other than those described in (*2) above.

(*5) **Indication of source:** For example, include the author’s name, name of the work (title), name of publication (publisher’s name), volume, issue, page, and date of publication (the copyright act; article 48). Even if the source is referenced in a bibliography, if the specific location of the quote in the original text cannot be identified, the quote is not considered legal.

(*6) Copyright notices in a form such as “Copyright ©2022 IEICE ”

Reproduction: “Reproduction” means a reproduction in a tangible form by means of printing, photography, polygraphy, sound or visual recording or otherwise” (the copyright act; article 2, paragraphs 1-15). This includes works recognized as being within the

scope of uniformity with the copyrighted work, even if some degree of modification, addition, or deletion has been made during the reproduction.

*The term “Reprinting” does not exist under the copyright act and is equivalent to Quotation or Copying.

Quotation: “It shall be permissible to take quotations from a work already made public, provided that such is compatible with fair practice and the extent does not exceed that justified by purposes such as news reporting, criticism or research” (the copyright act; article 32).

If the necessary conditions have been satisfied, the copyright holder’s permission is not required.

Necessary Conditions for Quotation:

(1) to (4) are absolute conditions, (5) is a necessary condition (refers to respect for personal rights not transferred through transfer procedures and exercising of proper manners toward authors).

(1) Purpose of quotation: news reporting, criticism, and research have been listed as examples, but this is not an exclusive list. For example, introducing a similar opinion to reinforce one’s own statement would be considered a justifiable quotation.

(2) Clear segmentation: It must be possible to clearly differentiate between the quotation and the quoting of the writer’s own words, for example by using parentheses around the quoted segment.

(3) Principal/accessory relationship: The quote of the writer’s own copyrighted work shall be the principal work, and the quoted copyrighted work of another person shall be considered an accessory work.

(4) Necessity and minimum extent: A necessity for quoting from another person’s copyrighted work in one’s own is required, and the quoted volume must be kept to the minimum extent necessary.

(5) Consideration for personal rights: When quoting from another person’s copyrighted work, the quoting party shall not infringe on the personal rights of the author (e.g., alteration of the content in such a way as to damage the author’s reputation).

Copyright holder permission for use shall be required when exceeding the scope of quotations.

Cautions regarding quotations:

When one wishes to use a figure or table printed in another publication (including third-party publications of the copyrighted work in question) in one’s own paper (with modifications), that material may be used without permission from the copyright holder if such usage is within the scope of a quotation and if the source is clearly indicated in a footnote to the figure or table. When such usage exceeds the scope of a quotation, the author is requested to obtain permission from the copyright holder of that figure or table.

Public transmission:

Refers to wireless or wired transmissions for the purpose of direct reception by the public (e.g., transmissions to unspecified or large numbers of recipients via broadcast, FAX, Internet, or intranet. Refer to Table 2).

Table 2: Examples of Public Transmission Categories

Public transmission*Includes "rights of making transmittable"*In the case of programs only, includes transmissions within the same premises		
	Wireless systems	Wired systems
Broadcast systems	Broadcasts Ground wave broadcasts BS/CS broadcasts, etc.	Cable broadcasts Cable music broadcasts Cable TV, etc.
Communication systems	Music used in mobile phones Game programs Distribution of book data, etc.	Internet PC communications Databases, etc.

(Source: Sakka, Fumio: "Shoukai - Chosakuken-hou [Copyright Act- a detailed explanation]" (2nd Edition); Gyosei Corp.; Table 2 on P. 255)

2. Standard procedure for requesting use of IEICE works

In the case of using a copyrighted work that belongs to the IEICE, requests for use are unnecessary when articles are used within the scope defined by the copyright act [article 30 “Reproduction for private use”, article 32 “Quotations”, article 35 “Reproduction, etc. in schools and other educational institutions”, etc.].

Requests for use are also unnecessary when they will be used by the author himself (or herself) or by the organization to which the author belongs for “ Noncommercial purposes” and “their use will not unfairly infringe on the IEICE’ s interests.” However, the following conditions must be met: “**Copyright notices**” (e.g., copyright©2022 IEICE) and “**Indication of source**” (e.g., author name, title, magazine name, volume, issue, page, year of publication, etc.). IEICE works that adopt the Creative Commons license do not require permission from the IEICE when used under the terms of the license.

For more information, please refer to the [Copyright FAQ](#).

Requests must be submitted in all cases where articles will be used for “commercial purposes” by a third party other than the author or the organization to which the author belongs. Decisions on whether or not to permit use for commercial purposes will be made by the copyright administration committee.

Please refer to the [Copyright FAQ](#) as the availability period will differ depending on the medium.

If you have any difficulties reaching a decision for a particular case, please first submit an [application form](#) for permission to use the work to the IEICE.

For more information, please refer to the [Copyright FAQ](#).