

Copyright Regulations of The Iron and Steel Institute of Japan

(Purpose)

Article 1

The purpose of these regulations is to stipulate matters related to the handling of copyrights for edited works and individual works handled by The Iron and Steel Institute of Japan (hereinafter referred to as the “Institute”).

(Definitions)

Article 2

In these regulations, the meanings of the terms listed in each of the items below will be according to the stipulations of the relevant items.

- I. Copyrights: Include all of the rights stipulated in Article 21 through Article 28 of the Copyright Act of Japan
- II. Works: Refer to things that creatively express ideas or feelings and that belong within the scope of literary art, academia, art, or music, and include edited works
- III. Author: Refers to the person who created a work
- IV. Distribution: Refers to transferring ownership of or renting a reproduction to the public, irrespective of whether it is for a fee or free of charge

(Handling of works for hire)

Article 3

An “author” in these regulations includes a juridical person, etc. in the event that the juridical person, etc. will be the author under the stipulations of Article 15 of the Copyright Act.

(Classification of works)

Article 4

1. The classifications of the works handled by the Institute are stipulated in the attached table 1.
2. The meanings of the classifications stipulated in the previous clause are stipulated in each of the items below.
 - I. Classification I: Works that have high academic or technological value, and for which the Institute’s possession of their copyrights will result in efforts to appropriately protect copyrights and smoothly and effectively utilize the works; The purpose is for the Institute to distribute them or provide them to the public via something such as the Internet or e-mail, either for a fee or free of charge, in order to broadly disseminate the works.
 - II. Classification II: Works that have the purpose of being distributed in order to promote the Institute’s activities or use of the works or to be provided to the public via something such as the Internet or e-mail, for which the copyrights belong to their authors, and for which the Institute has received licenses from the authors for actions subject to the rights stipulated in Article 21 through Article 28 of the Copyright Act, based on the provisions of Article 7
 - III. Classification III: Works other than those of item I and item II

(Attribution of copyrights)

Article 5

1. In principle, ownership of the copyrights for works classified as Classification I in the attached table 1 has been transferred to the Institute free of charge, irrespective of whether they are

domestic or foreign.

2. Copyrights for works created by an employee of the Institute or a person equivalent to an employee of the Institute who has been temporarily loaned or dispatched from another juridical person, etc. (hereinafter referred to as the "Employee, etc.") will either attribute to the Institute or their ownership will be transferred free of charge, and the Employee, etc. will not exercise the rights stipulated in Article 18, Article 19, and Article 20 of the Copyright Act (hereinafter referred to as the "Moral Rights of the Author") against the Institute or parties designated by the Institute.
3. In the event that the provisions of Article 5.1 and Article 5.2 cannot be applied because of special circumstances, the author will inform the Institute of that fact at the time of submission, posting, or contribution of the relevant work. Handling of copyrights in such a case will be stipulated based on discussions between the author and the Institute.

(Transfer of ownership of copyrights)

Article 6

1. The Institute will ask authors (excluding the Employees, etc. of the Institute; hereinafter the same in Article 6 through Article 11) of works classified as Classification 1 of the attached table 1 to transfer ownership of copyrights.
2. Transfer of ownership of a copyright from an author to the Institute will be established in a document that states the fact of transfer of ownership of the copyright to the Institute, at the time when the prescribed matters have been stated, the author has signed it, and the Institute has received it; provided, however, that in the event that the author agreed to the Institute's copyright regulations, or in the event that the relevant work or its reproduction was submitted to the Institute with no other indication of intention, it will be deemed that ownership of the relevant copyright was transferred to the Institute.
3. In the event that the work that is subject to ownership transfer is an edited work, when transferring ownership of the copyright to the Institute the author of the edited work must confirm in advance that the Institute's actions after the Institute becomes the copyright holder for the relevant work will not infringe copyrights for the original work.
4. In the event that the work that is subject to ownership transfer is a joint work, each of the authors of the joint work will conduct discussions and thereby stipulate a representative, and in the event that that person received application of Article 6.2 and Article 6.3 as an author, it will be deemed that the other authors agreed to transfer of ownership of the copyright.
5. In the event that it is possible to confirm that the author is a person who will conduct procedures that are means that use a telecommunications line such as the Internet, the "document," "sign," and "receive" of Article 6.2 will include things that are equivalent to "document," "sign," and "receive" in those means.
6. In the event that a work for which the Institute has already received the document for transferring ownership of a copyright that is stated in Article 6.2 has been deemed inappropriate for posting in something such as an academic journal published by the Institute, it will be deemed that the copyright for that work that the Institute possesses was returned to the author at that time.
7. In accordance with a request by an author of a work that is classified as Classification II in the attached table 1, the Institute can receive transfer of ownership of the copyright for that work. In such a case, the provisions of Article 6.2 through Article 6.6 will apply accordingly.
8. In the event that the author and the copyright holder differ, the "author" under Article 6.1 through Article 6.7 will be replaced by and read as the "copyright holder."

(License for use)

Article 7

1. The Institute will ask the author of a work classified as Classification II in the attached table 1 for a free license for that work for actions that will be subject to the rights stipulated in Article 21 through Article 28 of the Copyright Act.
2. In the event that the author agreed to the Institute's copyright regulations, or in the event that the relevant work or its reproduction was submitted to the Institute with no other indication of intention, it will be deemed that the license of Article 7.1 was licensed to the Institute for the relevant work.
3. The provisions of Article 6.3 and Article 6.4 will apply correspondingly for the license of Article 7.2.
4. In the event that the author and the copyright holder differ, the "author" under Article 7.1 through Article 7.3 will be replaced by and read as the "copyright holder."

(Exemption from application)

Article 7-2

In the event that there was approval by an academic department council or a production technology department council, it will be possible to make individual stipulations about division, attribution, and licensing of copyrights for specific works, irrespective of the stipulations of Article 4 through Article 7.

(Restriction of the Moral Rights of the Author)

Article 8

1. In the event that the author and the copyright holder are the same and the copyright has become something that will attribute to the Institute based on the provisions of Article 6.2, or in the event that the Institute was given a license for use under the provisions of Article 7.2, it will be deemed that the author consented to the Institute or a party licensed by the Institute conducting the actions below that will be subject to the Moral Rights of the Author.
 - I. Actions of making public a work that had not been made public, or its derivative work (Article 18 of the Copyright Act)
 - II. Actions of disclosing or not disclosing the author's name when making a work public (Article 19 of the Copyright Act)
 - III. Actions of distorting, mutilating, or otherwise modifying a work (including its title) (Article 20 of the Copyright Act)
2. In a case that falls under Article 6.8, before transferring ownership of the copyright to the Institute the copyright holder must obtain consent from the author with regard to the fact that the author will not exercise the Moral Rights of the Author.
3. In a case that falls under Article 7.4, before licensing use to the Institute the copyright holder must obtain consent from the author with regard to the fact that the author will not exercise the Moral Rights of the Author.

(The author's agreement)

Article 9

1. The Institute will explain the content of these regulations to the author and obtain consent with regard to the handling of copyrights between the Institute and the author.
2. In the event that the author and the copyright holder differ, the "author" under Article 9.1 will be replaced by and read as the "copyright holder."

(Use of copyrights)

Article 10

1. Irrespective of the provisions of Article 30 of the Copyright Act, in the event that an author will use, for his or her own personal purpose of use, all or a portion of something for which the Institute possesses the copyright (limited to things that have been made public; hereinafter in this article the same), a license by the Institute will not be required.
2. In the event that the Institute has been transferred ownership of a copyright based on the provisions of Article 6.2, if a party other than the Institute will use that work, it must make a written application to the Institute in advance and in accordance with the criteria of the attached table 2 and obtain a license from the Institute; provided, however, that that application fulfills both of the items below.
 - I. It is an application for use after publication.
 - II. Its use is within a scope that does not unjustly harm the Institute's profits.
3. In the event that a party other than the Institute will use a work that falls under Classification II of the attached table 1, a license from the Institute will not be required, on the premise that that party obtains a license from the author and the copyright holder.
4. In the event that it is possible to identify a person who will conduct procedures that are means that use a telecommunications line such as the Internet, the "document" of Article 10.2 will include things that are equivalent to a "document" in those means.
5. A person who will use a work of Article 10.1 through Article 10.3 must clearly indicate its source.
6. The Institute can request suitable consideration from a person or juridical person to which the Institute licensed use according to the provisions of Article 10.2.

(The author's responsibilities)

Article 11

1. An author who falls under one of the items below will bear liability him or herself for intellectual property laws such as the Copyright Act and the Patent Act and other laws for the content of portions in which the author was involved in creation for a work for which the Institute possesses the copyright.
 - I. An author who transferred ownership of a copyright to the Institute according to the provisions of Article 6.2 through Article 6.4
 - II. An author who licensed use of a work to the Institute according to the provisions of Article 7.2 and Article 7.3
2. In the event that the transfer of ownership of a copyright or a right of reproduction to the Institute or the relevant work for which a copyright was licensed caused a lawsuit to be filed based on a claim of infringement of another party's copyright or caused a dispute to arise in relation to that infringement, or in the event that a dispute arose based on a claim of damage to another person's honor, the author stipulated in one of the items of the previous clause will bear legal liability for the portions in which that author was involved in creation, and will handle that lawsuit or dispute.
3. In the event that the author and the copyright holder differ, the "author" under Article 11.1 and Article 11.2 will be replaced by and read as the "copyright holder."

(Other)

Article 12

Matters related to intellectual property rights that are not stipulated in these regulations will comply with individual laws for intellectual property rights, such as the "Copyright Act" and the "Patent Act."

Supplementary provisions

Article 1

Copyrights in these regulations include the rights below under the Copyright Act of Japan.

- I. Article 21 of the Copyright Act (Right of reproduction)

The right to reproduce a work; Reproduction refers to tangibly remaking something through a printed material, photograph, copy, recording, video, or other methods, and it includes recordings and videos of performances and broadcasting, and construction according to construction work drawings.
- II. Article 22 of the Copyright Act (Right of performance)

The right to perform a work for the purpose of having it be directly seen or heard by the public (hereinafter referred to as “to the public”); “Performance” includes replaying a work by sound or visual recordings, and conveying it by telecommunication equipment.
- III. Article 22-2 of the Copyright Act (Right of screen presentation)

The right to make a screen presentation of a work to the public; Screen presentation refers to projecting a work onto a projection screen or other structure, and includes replaying sounds that have been fixed in the work in association with that screen presentation.
- IV. Article 23 of the Copyright Act (Rights of public transmission, etc.)

The right to publicly transmit a work, and the right to convey to the public, by using a receiving device, a work that has been publicly transmitted
- V. Article 24 of the Copyright Act (Right of recitation)

The right to recite a work to the public; “Recitation” includes replaying the relevant recording or video, and transmitting it through telecommunication equipment.
- VI. Article 25 of the Copyright Act (Right of exhibition)

The right to publicly exhibit an art work or a photographic work that has not yet been published, by using the relevant work’s original work; The right to broadcast on television an original work that is being exhibited will be under Article 23. It will not amount to the right of exhibition if a reproduction of an art work will be exhibited. The right of exhibition will not be allowed for a photograph that has been published. (This is because it is difficult to distinguish between the original work and a copy.)
- VII. Article 26 of the Copyright Act (Rights of distribution)

The right to distribute a cinematographic work through its reproduction, and the right to distribute a work (music or art) that has been reproduced in a cinematographic work through a reproduction of that cinematographic work

“Distribution” refers to transferring or renting a reproduction to the public, irrespective of whether it is for a fee or free of charge, and for a cinematographic work or a work that has been reproduced in a cinematographic work it also includes transferring or renting that cinematographic work for the purpose of presenting the relevant work to the public. Rights of distribution will not be exhausted. Accordingly, the copyright holder (the cinematographic production company) will possess rights for subsequent distribution, even for a work for which distribution was once conducted.
- VIII. Article 26-2 of the Copyright Act (Right of ownership transfer)

The right to provide to the public a work other than a cinematographic work, by transferring ownership of the original work or its reproduction; The right of ownership transfer will extend only to the initial ownership transfer (it will be exhausted), and subsequent transfers after a lawful transfer of ownership can be done freely; provided, however, that even in a case in which a subsequent transfer was made for something for which ownership was transferred unlawfully, it will not amount to a right of ownership transfer if it was in good faith and faultless (there will be no infringement).

IX. Article 26-3 of the Copyright Act (Right of rental)

The right to provide to the public a work other than a cinematographic work, by renting its reproduction

X. Article 27 of the Copyright Act (Rights of translation, adaptation, etc.)

Rights to translate, arrange musically, transform, dramatize, cinematize, or otherwise adapt a work

XI. Article 28 of the Copyright Act (Right of the original author in the exploitation of a derivative work)

When using a derivative work, the author of the original work of that derivative work will have exclusive possession of the same rights as those possessed by the author of that derivative work.

Article 2

Formulation or revision of these regulations will receive approval by the board of directors.

Article 3

These regulations will go into effect on August 1, 2012.

(Attached table 1)

Classification	Number	Name of work	Copyright holder	Use by the Institute
I	1	Academic journals (ISIJ International and Tetsu-to-Hagané	The Institute	Possible as copyright holder
	2	Bulletins (Ferrum)		
	3	Reports of the ISIJ Meeting (CAMP-ISIJ)		
	4	Memorial Seminar texts		
	5	Proceedings and abstracts of international conference		
	6	Handbooks		
	7	Manuals		
	8	Library of Iron- and Steel-making Technologies		
	9	History of Iron- and Steel-making Technology in Japan		
	10	Homepage content:		
	11	Works according as items 1–10 above		
	12	Electronic media containing works above		
II	13	Symposium texts	Author(s)	Possible due to deemed licence transfer from Author(s)
	14	Open reports of Research Groups		
	15	Open reports of Technical Subcommittees		
	16	Open documents of Interdisciplinary Technical Committees		
	17	Open reports of Interdisciplinary Technical Committees		
	18	Works according as items 13–17 above		
	19	Electronic media containing works above		
III	20	Works other than items 1–19 above		Not possible

(Attached table 2)

Application Criteria for Use of Works for which the Institute Possesses the Copyrights

- ◆ Premise ① It is use after publication. (Article 10.2.1 of the regulations)
- ② It is use within a scope that does not unjustly harm the Institute's profits.(Article 10.2.2 of the regulations)
- ③ The source will be clearly indicated. (Article 10.5 of the regulations)
- ◆ Exclusion of application: Application is not required if the purpose is private use.(Article 10.1 of the regulations)
- * The work for which the Institute will grant a license has received a license for actions related to the moral rights of the author.(Article 8.1 of the regulations)

Example	Classification of attached table 1	Profitability	Applicant	Subject	Media used	Passage of one year after publication	Whether or not application is required Required: ●, Not required: -			
1	I	Non-profit	Author	Diagram, formula, or a portion of text	Server's upload information Electronic media, such as CD-ROM	Both before and after	●			
2				All	Something other than the above	Before	● *1			
3						After	- *2			
4				All	All	Both before and after	● *1			
5	II	For profit	Organization to which the author belongs	All	Same as the case of an author	Both before and after	●			
6			Party other than the above					Irrespective of whether it is a portion or all	All	Both before and after
7			All							
8	II	Not required, on the premise that a license will be obtained from the author, and from other copyright holders if they exist					-			

* 1: Application is not required if the place of use is a Institute publication.

* 2: Application will be retroactive to also include works for which the Institute was transferred copyrights before these regulations went into effect, and application is not require