

The Japanese version of this document takes precedence, and the English translation is for reference purposes only.

Manual for Market Entry into Japanese  
Telecommunications Business  
[Supplementary Edition]

Established August 18, 2005

(Revised on January 30, 2023)

Ministry of Internal Affairs and Communications (MIC)  
Japan

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## **Preface**

This document is prepared for the purpose of deepening understanding of the Telecommunications Business Act by those engaged in the telecommunications business, and to contribute to compliance with the law. This document is a systematic compilation of the terminology, concepts for determining application, and specific examples, etc., of the Telecommunications Business Act (Act No. 86 of 1984; hereinafter referred to as the "TBA").

Any person who intends to conduct telecommunications business stipulated in Article 2, item (iv) of the TBA is required to obtain registration under Article 9 of the TBA or to file a notification under Article 16, paragraph (1) of the TBA to become a telecommunications carrier.

A foreign corporation, etc. is also required to become a telecommunications carrier when it operates a telecommunications business that provides telecommunications services in Japan or when it operates a telecommunications business that provides telecommunications services to persons in Japan from abroad. The details are as described in the document titled "Guideline Concerning the Application of the Telecommunications Business Act to Foreign Corporations, etc. that Operate Telecommunications Businesses."

Revised versions will be made as necessary, based on the judgment of specific cases in the future.

## Table of Contents

### 1. Outline of the Telecommunications Business

- (1) Overview ... 1
- (2) Explanation of Terms ... 1
- (3) Telecommunications Business for which Registration or Notification is Required ... 6

### 2. Rules for Persons that Conduct Telecommunications Business

- (1) General Rules ... 9
- (2) Market Entry Rules ... 9
- (3) Rules Regarding Changes in Registration and Notification Particulars, and Suspension and Discontinuation of Business ... 10
- (4) Consumer Protection Rules ... 10
- (5) Rules Regarding User Information ... 10
- (6) Rules Regarding Telecommunications Facilities ... 11
- (7) Reporting Rules ... 11

### 3. Decision Flowchart for Applicability of the Telecommunications Business Act

... 14

### 4. Primary Examples and Approaches ... 22

### 5. Reference Materials ... 36

### 6. Inquiries about Procedures etc. ... 47

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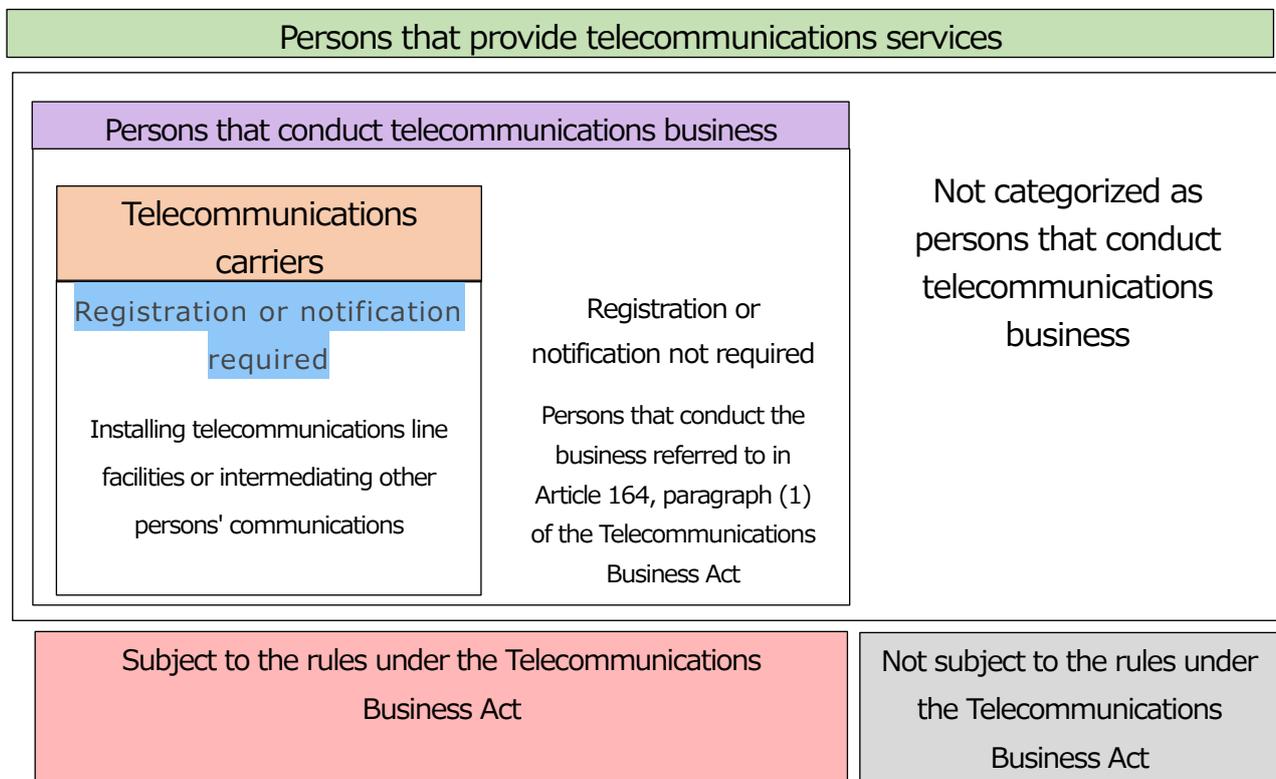
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# 1. Outline of the Telecommunications Business

## (1) Overview

Any person that intends to operate telecommunications business (a person that conducts telecommunications business) is required to obtain registration pursuant to the provisions of Article 9 of the TBA, or file a notification pursuant to the provisions of Article 16, except those to whom the exemptions under Article 164, paragraph (1) of the TBA apply.

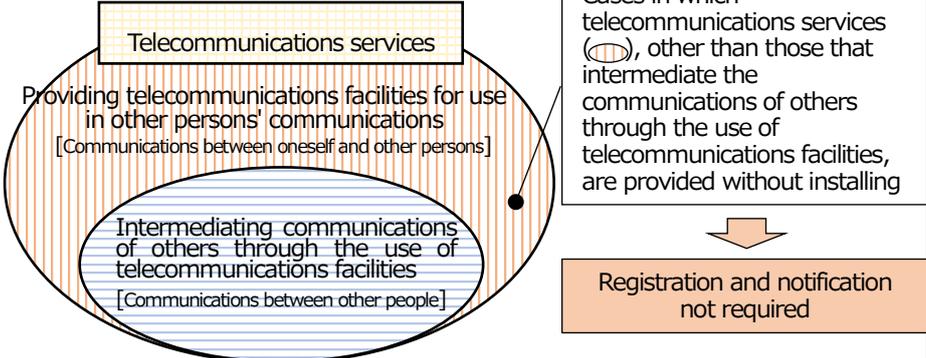
Whether a person is categorized as a person that conducts telecommunications business is determined based on the definition under Article 2 of the TBA. Those that are subject to the rules under the TBA are as shown below.



## (2) Explanation of Terms

The definitions and interpretations of terms in Article 2 of the TBA are as follows.

Term	Definitions
<b>Telecommunication</b>	"Telecommunication" means transmitting, relaying, or receiving codes, sounds, or images by wire, radio, or other electronic or magnetic forms.
<b>Telecommunications facilities</b>	"Telecommunications facilities" mean machines, equipment, wires, and cables or other electrical facilities for conducting telecommunications.

<p><b>Telecommunications service</b></p>	<p>"Telecommunications service" means intermediating other persons' communications through the use of telecommunications facilities, or other acts of providing telecommunications facilities for use in other persons' communications. "Providing telecommunications facilities for use in other persons' communications" includes "intermediating other persons' communications through the use of telecommunications facilities." However, a business that provides, without installing telecommunications line facilities, telecommunications services other than telecommunications services for intermediating the communications of other persons through the use of telecommunications facilities is determined to be exempt from the TBA (registration and notification are not required).</p>  <p>Cases in which telecommunications services (○), other than those that inter-mediate the communications of others through the use of telecommunications facilities, are provided without installing</p> <p>Registration and notification not required</p>
<p><b>Intermediating other persons' communications</b></p>	<p>"Intermediating other persons' communications" through the use of telecommunications facilities means to transmit and switch information at the request of others, without making changes to the content of the information, and conveying communications between people in remote locations or acting as an intermediary to complete their communication.</p> <p>"Through the use of telecommunications facilities" includes cases such as cloud computing or similar technology, for example, in which the provider has not actually installed servers or other physical facilities but nonetheless offers functionality on par with having physically installed such facilities.</p> <p>"Without making changes to the content of the information" means "without processing or editing the information," specifically, without altering the essential content of the information. External and formal modifications, such as format changes, media conversions, and addition of delivery information to mail headers, are included in "no modification of the essential content."</p> <p>With respect to online services, when information is not processed or edited and the recipient is designated as the recipient of the communication, it is considered to fall under the category of "intermediary of another person's communication."</p> <p>Determining whether "intermediating other persons' communications" is taking place or not requires looking at the entire telecommunications system and making a judgement on a case-by-case basis based on the flow of information.</p>
<p><b>Providing for use in other person's communications</b></p>	<p>"Providing telecommunications facilities for use in other persons' communications" broadly means operating telecommunications facilities (including optical fiber, mobile phone base stations, and other</p>

	<p>telecommunications line facilities, as well as servers and terminal equipment, etc.) for communications of other persons. "Other persons' communications" includes communications between the facility provider and other persons. For example, if a company, etc., uses its own servers or other telecommunications facilities to communicate with users, this means that company is providing telecommunications facilities for use in communications of other persons.</p>
<p><b>Telecommunications business</b></p>	<p>"Telecommunications business" means the business involved in providing telecommunications services in order to meet the demands of other persons (except businesses involved in service supplying facilities for broadcasting stations as prescribed in Article 118, paragraph (1) of the Broadcasting Act [Act No. 132 of 1950]).</p>
<p><b>To meet the demands of other persons</b></p>	<p>This means to provide telecommunications services in order to meet the needs of others, and not to provide telecommunications services for one's own operations.</p> <p>Meanwhile, if an entity provides telecommunications facilities for use in communications with other persons with whom the provider has a business relationship, in the course of carrying out their own duties or incidentally to such duties, this is determined to be use that is for meeting one's own demand and, in general, is not applicable here. In other words, it is judged that the entity is using telecommunication services as a means of their original business not necessarily premised on telecommunication services, according to their own demand.</p> <p>However, where telecommunication lines or terminal equipment are provided for use in communications of other persons for the purpose of profit, even if this ultimately results in one conducting communications related to one's own business, it may still be deemed to be the provision of services "to meet the demand of other persons." The specific criteria upon which such judgments are made include the following: (1) There is an inducement or declaration to provide the service, and there are terms and conditions for the provision of services that indicate this; and (2) There is recognized to be an active intent to provide a service based on a social relationship between the provider and the user.</p>
<p><b>Business</b></p>	<p>This refers to a recurrent, repetitive and continuous execution of the same kind of acts with initiative, positive intention, and purpose. The term "business" does not apply to: (1) Emergency or temporary acts during emergency situations; (2) temporary acts; or (3) acts performed by providers in response to the legal rights of users (e.g. mutual communications between police, fire department, etc.).</p> <p>The "business" nature of the service is determined by the provider's positive intention to provide the service (which is objectively determined by publicly announcing the terms and conditions of the service, etc.). The existence of a commercial purpose can be a determining factor for the existence of a "business," but the absence of a commercial purpose is not a basis for the absence of a "business" nature.</p>

	<p>In addition, in order to be a "business", telecommunication services must be provided independently (independence), and this does not include the provision of telecommunication services incidental to other services. This does not mean that providing telecommunication services in combination with services other than telecommunication services does not constitute a "business," but rather that the provision of telecommunication services can be understood as an independent business, that is, a "telecommunication business" if the sending and receiving of information itself has independent meaning as a service.</p>
<p><b>Exempted telecommunications Business</b></p>	<p>The following telecommunications businesses are exempt from the TBA, based on Article 164, paragraph (1). However, Article 3 ("Prohibition of Censorship") and Article 4 ("Protection of Secrecy") of the TBA apply to communications handled by a person that conducts the exempted telecommunications business. In addition, the "Notification Concerning Information Transmission Order Communications" (rules regarding external transmission) stipulated in Article 27-12 of the TBA also applies to some of those engaged in item (iii) business.</p> <ul style="list-style-type: none"> <li>- To exclusively provide telecommunications services to a single person (except for telecommunications services provided for the use of telecommunications business of a single person if the person is a telecommunications carrier) (item (i))</li> <li>- To provide telecommunications services by using telecommunications facilities installed in the same premises or in the same building (item (ii))</li> <li>- To provide telecommunications services by using telecommunications facilities with a total telecommunications line length of less than 5 km (item (ii))</li> <li>- To provide telecommunications services that do not intermediate another person's communications (except for domain name telecommunications services, search information telecommunications services, and telecommunications services equivalent to intermediation<sup>1</sup>) without installing telecommunications line facilities.</li> </ul>
<p><b>Item (iii) business</b></p>	<p>A telecommunications business that provides telecommunications services (excluding domain name telecommunications services, search information telecommunications services, and intermediary equivalent telecommunications services) other than telecommunications services that mediate the communications of others using telecommunications facilities, without installing telecommunications circuit facilities. The term "item (iii) business" is used because it is stipulated in Article 164, paragraph (1), item (iii) of the Act.</p>
<p><b>Telecommunications services other than telecommunications</b></p>	<p>"Telecommunications services other than telecommunications services intermediating other persons' communications " refers to telecommunications services that involve communications between oneself (operator) and others</p>

<sup>1</sup> For details, see "Domain name resolution service" on p. 32, "Search information telecommunications services" and "Telecommunications services equivalent to intermediation" on p. 5.

<p><b>services intermediating other persons' communications</b></p>	<p>(users). Businesses that provide such telecommunications services that make themselves and others communicate without installing telecommunications line facilities are exempted from the TBA because telecommunications line facilities are not installed by the operator and the service is basically provided on a one-to-one basis between the operator and the user.</p>
<p><b>Search information telecommunications services</b></p>	<p>Telecommunications services that output the domain name of the web page on which the search information is recorded and other information concerning its location in response to search information (search words, etc.) entered by users, where [i] the number of users is extremely large (10 million or more) and [ii] a cross-field search service is provided.<sup>2</sup> Businesses that provide telecommunications services other than telecommunications services that intermediate any other persons' communications, but that meet all of these requirements, are telecommunications businesses that require registration or notification.<sup>3</sup></p>
<p><b>Telecommunications services equivalent to intermediation</b></p>	<p>Telecommunications services such as recording information received from unspecified persons on a server or other recording media and transmitting said recorded information to unspecified persons (services that practically mediate the sending and receiving of information between unspecified persons), where [i] the number of users is extremely large (10 million or more) and [ii] the main purpose is exchange between unspecified users.<sup>4</sup> Businesses that provide telecommunications services other than telecommunications services that intermediate any other persons' communications, but that meet all of these requirements, are telecommunications businesses that require registration or notification.<sup>3</sup></p>
<p><b>Telecommunications carrier</b></p>	<p>"Telecommunications carrier" means the person that has obtained the registration set forth in Article 9 to operate telecommunications business, and the person that has filed a notification under Article 16, paragraph (1).</p>
<p><b>Operating telecommunications business</b></p>	<p>This means a recurrent, continuous provision of telecommunications services to users with the aim of generating revenues from the telecommunications business itself, in other words, conducting profit-making business. Specifically, it includes not only businesses conducted for profit by corporations, etc., but also profit-making businesses conducted by public interest corporations and non-profit organizations for a fee to the extent that they are compensated for their costs and generate some profit. In this case, it is not a requirement that an actual profit be made (to produce a surplus). When a company engaged in a business other than telecommunications provides telecommunications services as part of its services to its customers and substantially makes a profit therefrom, even if it nominally does not collect</p>

<sup>2</sup> For details, see "Online website search" on p. 34.

<sup>3</sup> A person who provides search information telecommunications services or telecommunications services equivalent to intermediation must be registered or provide notification after receiving designation by the Minister of Internal Affairs and Communications.

<sup>4</sup> For details, see "Social Networking Service (SNS), video sharing platform, blog platform operation" on p. 36.

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	<p>a fee for the provision of telecommunications services, such services are part of its efforts to make an economic profit for itself. Therefore, the mere fact that there is no fee for telecommunications services in name does not necessarily mean that the telecommunications carrier is not "operating a telecommunications business" (substantive judgment).</p> <p>The provision of telecommunication services is not included when such services are provided free of charge or on a cost basis.</p>
<b>Telecommunications line facilities</b>	<p>"Telecommunications line facilities" means transmission line facilities that interconnect places of transmission with places of reception, switching facilities installed as an integral part of these, and their adjunct facilities. It includes terminal system transmission line facilities and transit system transmission line facilities. However, transmission line facilities that are not transmission line facilities connecting distant parties, i.e., transmission line facilities within the same premises, are not included in telecommunication line facilities.</p>
<b>Transmission line facilities</b>	<p>Transmission line facilities are facilities that transmit information by electrical means, including line facilities such as coaxial cables and optical fibers, as well as wireless facilities.</p>
<b>Terminal system transmission line facilities</b>	<p>Terminal system transmission line facilities are transmission line facilities connected to terminal facilities or self-operated telecommunications facilities; e.g., transmission line facilities between the station building and the user's premises.</p>
<b>Transit system transmission line facilities</b>	<p>Transit system transmission line facilities are transmission line facilities other than terminal system transmission line facilities; for example, transmission line facilities between station buildings.</p>

**(3) Telecommunications Business for which Registration or Notification is**

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## **Required**

The necessary procedures for a telecommunications business for which "registration" or "notification" is required differ depending on whether telecommunications line facilities are installed and the scale thereof, among other factors.

<b>Telecommunications line facilities</b>		<b>Necessary procedure(s)</b>
<b>Whether facility installation is involved</b>	<b>Scale</b>	
<b>Yes</b>	(1) If any of the following criteria is met: 1) Terminal system transmission line facilities are installed in an area extending beyond one municipality (within a single ward in the case of a special ward or designated city under the Local Autonomy Act) 2) transit system transmission line facilities are installed in an area extending beyond one prefecture	<b>Registration</b>
	Telecommunications line facilities which do not fall under criteria (1) (Example) CATV access services within the same city, town, or village	<b>Notification</b>
<b>None</b> (Examples) - Reselling the telecommunications service(s) of another telecommunications carrier - If only devices other than transmission line facilities, such as servers or routers, are installed and provided to provide telecommunications service(s)		<b>Notification</b>

Additionally, even in the case of a local government operating a not-for-profit telecommunications business, if it is determined to have a comparatively significant influence on the interests of users in light of their content, the scope of users, etc., (in the case of wholesale telecommunications services or telecommunications services in which telecommunications facilities are provided for use in communications of large numbers of unspecified people), it is necessary to file a notification as set forth in Article 165, paragraph (1) of the TBA, regardless of whether or not telecommunications line facilities have been installed, the scale thereof, or other factors. A local government that files such a notification will be deemed to be a telecommunications carrier filing the notification as set forth in Article 16, paragraph (1) of the TBA, but some of the rules of the TBA will not apply (Article 165, paragraph (2) of the TBA.).

## **2. Rules for Persons that Conduct Telecommunications Business**

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When a telecommunications carrier has obtained the registration set forth in Article 9 to operate a telecommunications business, or has filed a notification under Article 16, paragraph (1) of the TBA, then in providing services as a telecommunications carrier the rules that apply include the following: "Prohibition of Censorship" (Article 3 of the TBA); "Protection of Secrecy" (Article 4 of the TBA); rules regarding changes in registration or notification particulars, and suspension and discontinuation of business; consumer protection rules; and rules regarding telecommunications facilities.

In accordance with Article 164, paragraph (1) of the TBA, the disciplines of "Prohibition of Censorship" (Article 3 of the TBA) and "Protection of Secrecy" (Article 4 of the TBA) are also applied to those who operate exempted telecommunications businesses with respect to communications during handling. In addition, the discipline on external transmission is also applied to some of those who operate an item (iii) business.

Failure to comply with the above regulations is subject to penalties.

In addition, if the Minister for Internal Affairs and Communications finds it to be necessary and appropriate to do so in order to protect the interests of users of telecommunications services or to ensure the smooth provision of telecommunications services, the Minister may make public the name of a person who has committed an act that violates the TBA or an order or disposition based on it ("violation of the TBA, etc."), or make public other particulars necessary for preventing the occurrence of or expansion of damage caused by violation of the TBA, etc. or for making operation of the telecommunications business appropriate and rational. (Article 167-2 of the TBA)

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<b>Person that conducts telecommunications business</b>	Prohibition of Censorship Protection of Secrecy Rules Regarding External Transmission
<b>Telecommunications carrier</b>	General Rules <ul style="list-style-type: none"> <li>➤ Fairness in Use</li> </ul> Market Entry Rules <ul style="list-style-type: none"> <li>➤ Registration or Notification of Telecommunications Business</li> </ul> Rules Regarding Changes in Registration and Notification Particulars, and Suspension and Discontinuation of Business <ul style="list-style-type: none"> <li>➤ Change of Registration or Notification, Suspension or Discontinuance, etc.</li> </ul> Consumer Protection Rules <ul style="list-style-type: none"> <li>➤ Explanation of Terms and Conditions of Provision and Notification of Suspension or Discontinuation of Operations, etc.</li> </ul> Rules Regarding User Information <ul style="list-style-type: none"> <li>➤ Notification of Information Handling Rules, Publication of Information Handling Policy, etc.</li> </ul> Rules Regarding Reporting, etc. <ul style="list-style-type: none"> <li>➤ Partial Suspension of Operations, Reporting of Leaks of Confidential Communications or User Information, etc.</li> </ul>
*Includes rules imposed only on those that meet certain requirements.	

**(1) General Rules**

General rules regarding telecommunications carriers include those listed on the right.

Additionally, even if a telecommunications business is exempt pursuant to the provisions of Article 164, paragraph (1) of the TBA, the rules concerning "Prohibition of Censorship" and "Protection of Secrecy" still apply to communications handled by the entity or person operating that business.

Article 3 of the Act	Prohibition of Censorship
Article 4 of the Act	Protection of Secrecy of Communications
Article 6 of the Act	Fairness in Use
Article 8 of the Act	Securing of Essential Communications
Article 28 of the Act	Reporting on the Suspension of Telecommunications Operations and on Serious Accidents

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## **(2) Market Entry Rules**

An entity or person that intends to operate a telecommunications business must obtain registration, or file a notification, for that business in advance. Additionally, penalties will be applied to entities or persons that operate a telecommunications business in violation of Article 9 or Article 16, paragraph (1) of the TBA.

Article 9 of the Act	Registration of Telecommunications Business
Article 16, paragraph (1) of the Act	Notification of Telecommunications Business
Article 177 of the Act	Penalties for violations of Article 9 of the Act
Article 185 of the Act	Penalties for violations of Article 16, paragraph (1) of the Act

In the case of a new registration, it will be necessary to pay registration and license taxes.

## **(3) Rules Regarding Changes in Registration and Notification Particulars, and Suspension and Discontinuation of Business**

As shown on the right, a notification must be filed reporting any changes, such as when telecommunications carriers attempt to change a particular for which they obtained registration or for which they have filed a notification (or when they have changed some such particulars), or when they suspend and discontinue a telecommunications business, etc. In the case of a registration of changes (addition of service areas), it will be necessary to pay registration and license taxes.

Article 13 of the Act	Registration of Changes
Article 16, paragraphs (3) and (4) of the Act	Changes in Notification Particulars
Article 17 of the Act	Succession of Business
Article 18 of the Act	Suspension and Discontinuation of Business and the Dissolution of Corporations
Article 10 of the Enforcement Regulations	Reporting of Changes to Telecommunications Services, etc.

#### **(4) Consumer Protection Rules**

The TBA contains consumer protection rules to which telecommunications carriers and agencies should comply, including (as shown on the right) rules on explanations of terms and conditions for the provision of services, delivery of documents, and informing users when carriers attempt to suspend and discontinue telecommunications operations.

For more information on consumer protection rules and necessary responses thereto, refer to the *Guidelines for Consumer Protection Rules for the Telecommunications Business Act*.

Article 26 of the Act	Explanation of Terms and Conditions for the Provision of Services
Article 26-2 of the Act	Delivery of Documents
Article 26-3 of the Act	Written Cancellations (Cancellation of Initial Contract)
Article 26-4 of the Act	Dissemination of Suspension and Discontinuation of Telecommunications Operations
Article 27 of the Act	Procedure for Processing Complaints, etc.
Article 27-2 of the Act	Prohibited Conduct for Telecommunications Carriers
Article 27-4 of the Act	Guidance to Persons Entrusted with Intermediation

#### **(5) Rules Regarding User Information**

Regulations pertaining to the external transmission of information on users apply to telecommunications carriers and those who engage in item (iii)

Article 27-6 of the Act	Establishment of Information Handling Regulations
Article 27-8 of the Act	Establishment of Information Handling Policy
Article 27-9 of the Act	Evaluation of Handling Status
Article 27-10 of the Act	Appointment of General Manager of Specified User Information
Article 27-12 of the Act	Notification, etc. pertaining to Information Transmission Directive Communications

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business.<sup>5</sup> In addition, for telecommunications carriers that provide telecommunications services to an extremely large number of users,<sup>6</sup> rules concerning the proper handling of specified user information, such as the formulation of information handling rules and information handling policies and the evaluation of handling conditions, apply.

For details on the rules concerning user information, please refer to "Explanation of the Guidelines for the Protection of Personal Information in the Telecommunications Business."

## **(6) Rules Regarding Telecommunications Facilities**

Telecommunications carriers that install telecommunications line facilities, and those that provide large-scale<sup>7</sup> telecommunications services for a fee, etc., are subject to rules obliging them to conform to technical standards in the provision of telecommunications facilities for use by telecommunications business. The major relevant rules are listed on the right.

Article 41 of the Act	Maintenance of Telecommunications Facilities
Article 42 of the Act	Self-Confirmation of Telecommunications Facilities
Article 44 of the Act	Establishment of Administrative Regulations for Telecommunications Facilities
Article 44-3 of the Act	Appointment of a General Manager of Telecommunications Facilities
Article 45 of the Act	Appointment of Chief Telecommunications Engineers

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<sup>5</sup> Telecommunications carriers that provide telecommunications services, such as message mediation between users through browsers and applications, SNS, electronic bulletin boards, video sharing services, online shopping malls, online search services, and online provision of various types of information, as well as those engaged in item (iii) business.

<sup>6</sup> The average number of monthly active users at the end of the previous fiscal year is 10 million or more for free services and 5 million or more for paid services. (For details on free/paid services and the concept of calculating the number of users, see "Explanation of Guidelines for Personal Information Protection in Telecommunications Business.")

<sup>7</sup> Number of users being over one million as of the end of the last fiscal year.

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**(7) Rules Regarding Reporting, etc.**

In the event of a violation of the secrecy of communications or specified user information, or telecommunications accidents and incidents of a certain size or larger (serious accident), telecommunications carriers must file a report without delay.

Please refer to the *Guidelines for Application of the Telecommunications Business Act and Related Regulations Telecommunications Accidents and Incidents* for information on the content of rules and judgment criteria regarding the applicability of accidents and incidents.

Additionally, if telecommunications carrier operations are performed in an improper way that inhibits the interests of users or the public interest, the Minister of Internal Affairs and Communications can order the improvement of business activities, etc. Please refer to the *Guidelines for Promotion of Competition in the Telecommunications Business Field* for specific examples of problematic activities under the TBA.

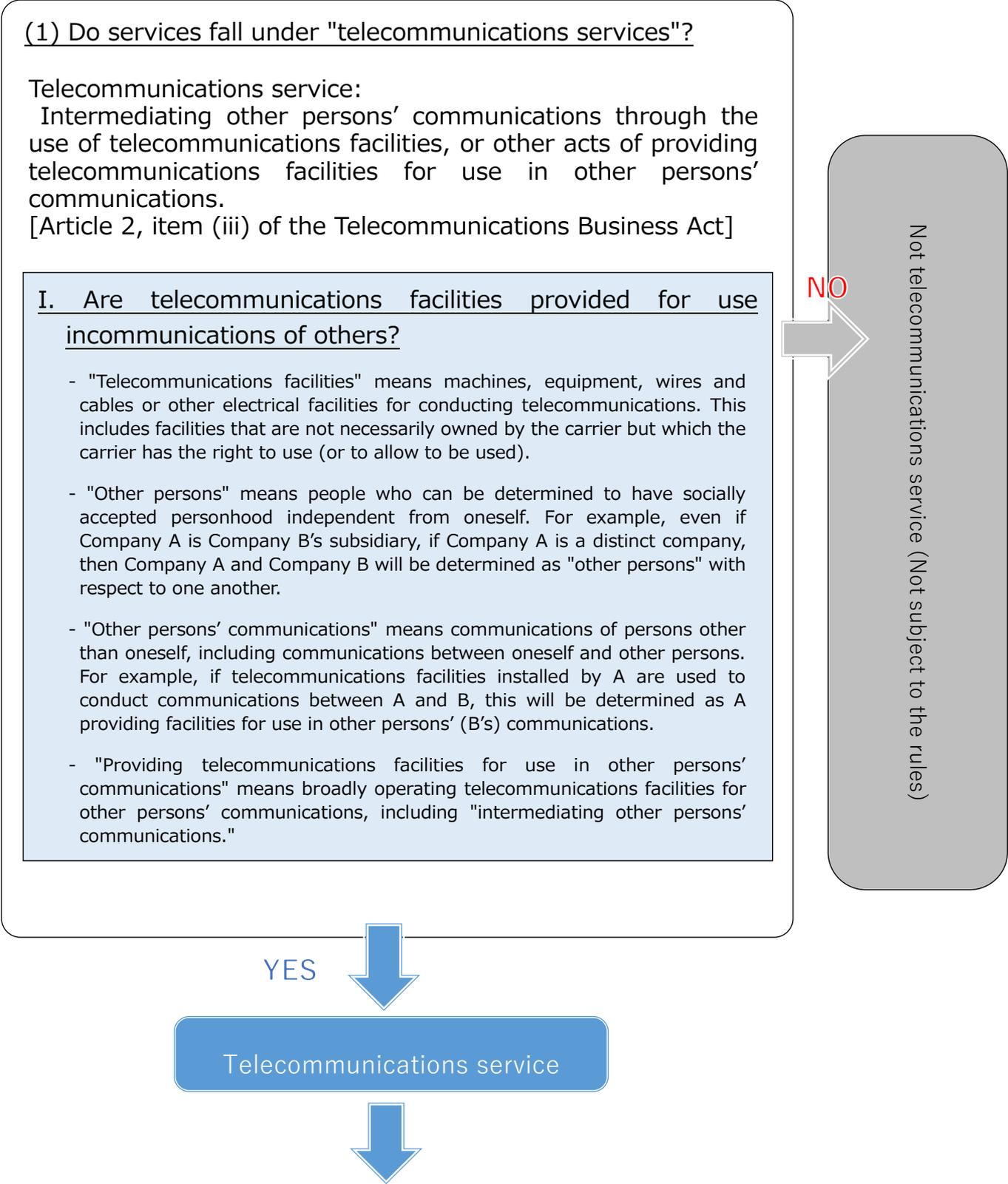
Furthermore, telecommunications carriers are required to report and handle inspections pursuant to the provisions of Article 166 of the TBA, as well as to regularly report on the status of contracts, etc., based on the Rules for Reporting on Telecommunications Business (MPT Ministerial Ordinance No. 46 of 1988), depending on the type, scale, etc., of services provided by the telecommunications carrier.

Article 28 of the Act	Reporting of Partial Suspension of Operations, Violation of Secrecy of Communications or Specified User Information, or Any Other Serious Accident
Article 29 of the Act	Order to Improve Business Activities
Article 166 of the Act	Reports and Inspections
Article 2 of the Rules Reporting Rules	Reporting on the Number of Contracts, etc.

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**3. Decision Flowchart for Applicability of the Telecommunications Business Act**

In judging the applicability of the TBA and the necessity of registration or notification based on the TBA, it shall be determined whether any of the following applies. For definitions of terms, see 1.(2).



(2) Does the business fall under "telecommunications business"?

Telecommunications business:

A business involved in providing telecommunications services in order to meet the demands of other persons (except business involved in service supplying facilities for broadcasting stations as prescribed in Article 118, paragraph (1) of the Broadcasting Act [Act No. 132 of 1950]).

[Article 2, item (iv) of the Telecommunications Business Act]

I. Are telecommunications services provided in order to meet the needs of others?

- If telecommunications services are provided to "meet one's own demand," then those services do not fall under this category.

[Examples of provision to meet one's own demand]

\*Establishment of a website of an individual or a company exclusively for the dissemination of their own information

\*Operation of an email server for one's own email address

- This does not include the provision of telecommunications services by a person engaged in a business other than the telecommunications business in the performance of its original business. If the telecommunication services are used as a means of performing the original business that is not premised on the provision of telecommunication services, the telecommunication services are provided for "one's own demand" and do not fall under the category of "to meet the demand of others."

[Examples of provision to meet one's own demand]

\*Online sales of a company's products and services

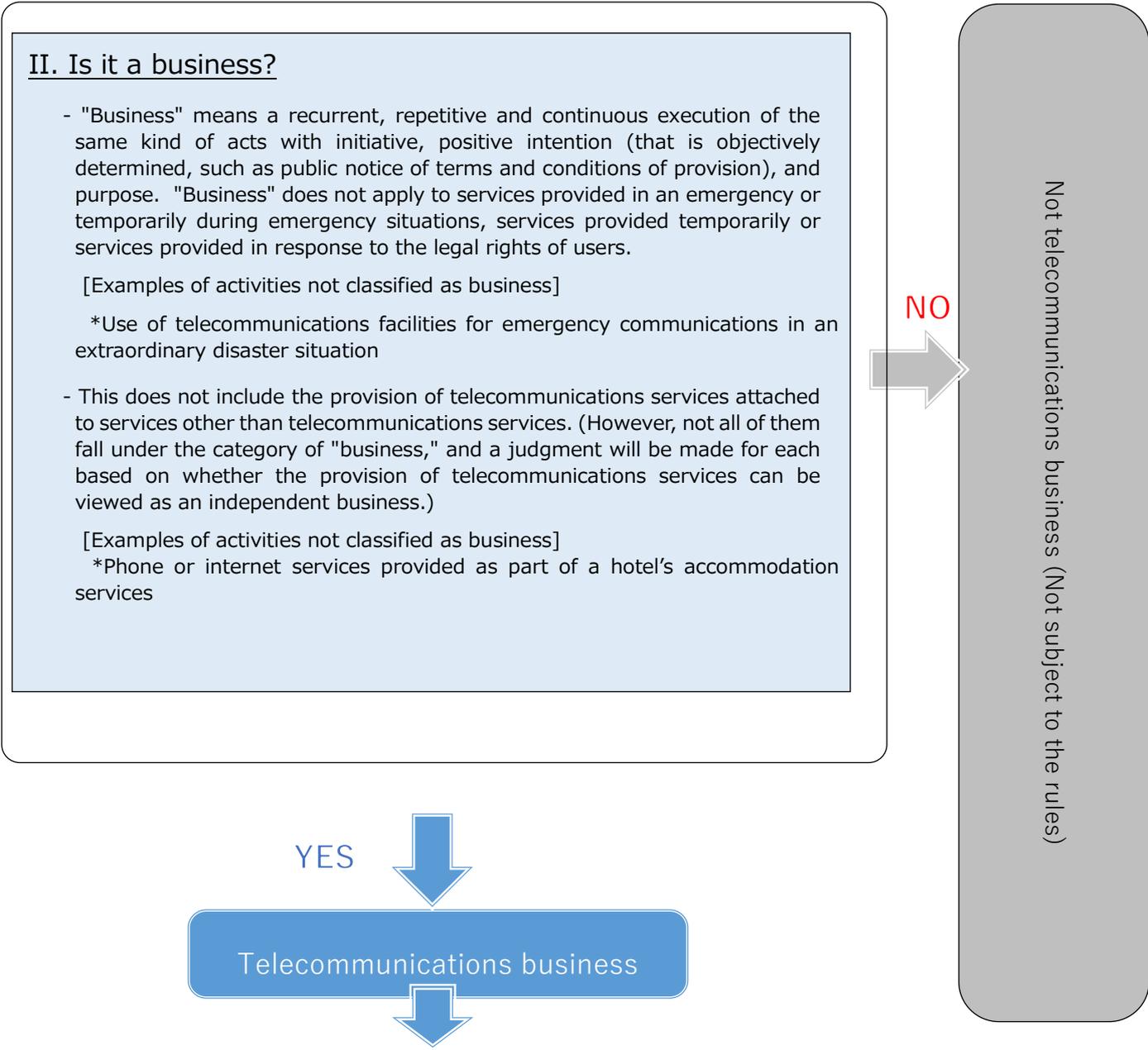
However, when company's products or services themselves, such as online news or video distribution, are provided over the Internet, they fall under the category of telecommunications business because they are based on the provision of telecommunications services (transmission of information).

YES 

NO 

Not telecommunications business (Not subject to the rules)

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(3) Does it fall under a person "conducting" telecommunications business"?

A person conducting telecommunications business: Meaning a person conducting telecommunications business for which "registration" or "notification" is required [Article 9, Article 16, paragraph (1) (including Article 165, paragraph (1)), and Article 164, paragraph (1) of the TBA]

I. Does the activity fall under "operating" a telecommunications business?

- "Operating a telecommunications business" means a recurrent, continuous provision of telecommunications services to users with the aim of generating revenues from the telecommunications business itself by collecting fees from users as payment for services (It is not a requirement that an actual profit be made). Additionally, even if nominally no payments are being collected for the provision of telecommunications services, this activity is still classified as "operating a telecommunications business" if it is determined that, in reality, the provision of telecommunications services is actually generating revenues.
- Even when a for-profit corporation provides telecommunications services, it does not fall under the category of "operating" a telecommunications business if it provides such services free of charge or on a cost basis, for example, when it provides telecommunications services to its own employees, company housing, group companies, etc.
- Even if it is a public benefit corporation or a non-profit organization, if it provides fee-based telecommunication services to the extent that it makes some profit by compensating for the cost, it is considered to be "operating" a telecommunication business.
- Even in the case of a not-for-profit telecommunications business, a notification must be filed for the business pursuant to provision of Article 165, paragraph (1) of the Telecommunications Business Act if the business is operated by a local government and its wholesale telecommunications services or telecommunications services provide telecommunications facilities for use in communications of large numbers of unspecified people.

NO



Not a person conducting telecommunications business (not subject to rules)

YES

A person conducting telecommunications business



(4) Does the business fall under "exempt from the Telecommunications Business Act"?

Exempt telecommunications business:  
If the business falls under Article 164, paragraph (1), items (i) and (ii) of the Telecommunications Business Act.

I. Does the telecommunications business fall under the category of telecommunications business to exclusively provide telecommunications services only to a single person? (Except telecommunications services provided for the use of telecommunications business of a single person if that person is a telecommunications carrier) (Item (i))

- "Exclusively providing telecommunications services only to a single person" means that the telecommunications services are provided to a single individual or a single company. For example, if Company A has a department (Department B) that is then spun off into its own company and provides telecommunications services only to Company A, then this item does apply.

YES

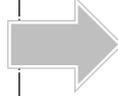


II. Does the business fall under the category of telecommunications business provide telecommunications services by using telecommunications facilities, a part of which are installed on the same premises (including the areas equivalent to those premises) or the same building where another part of those facilities are installed, or by using telecommunications facilities on a scale that does not meet the standards specified by Order of the Ministry of Internal Affairs and Communications (i.e. total installed telecommunications line length of 5 km)? (Item (ii))

- "On the same premises" means on the same adjoining land within a certain area that is separated from other areas by barriers, walls, roads, waterways, or other clear partitions. Additionally, "area equivalent to those premises" means an area that appears at first to be separated into multiple areas by waterways, hedges, or a similar partitions, but which are actually socially accepted as comprising a single area (because the distance between them is so short, etc.).

- "In the same building" includes gates, walls, basements, and similar structures attached to a building, but it does not include locations that are not determined to constitute the building's basement even if connected by a passageway, e.g. in the case of an underground arcade.

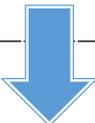
YES



Telecommunications business for which registration and notification are not required

\*Even if a telecommunications business is exempted, Article 3 ("Prohibition of Censorship") and Article 4 ("Protection of Secrecy") of the Act still apply to the communications handled by the person operating the telecommunications.

NO  
( None of I and II )  
is applicable



(5) Does the business fall under "telecommunications business for which registration is required"?

Criteria for whether registration is required: Whether telecommunications line facilities installation is involved and the scale thereof [Article 3, paragraph (1) of the Enforcement Regulations]

I. Are telecommunications line facilities installed?

- "Telecommunications line facilities" means transmission line facilities that interconnect places of transmission with places of reception, switching facilities installed as an integral part of these, and their adjunct facilities.

YES  
(Installed)



NO  
(Not installed)



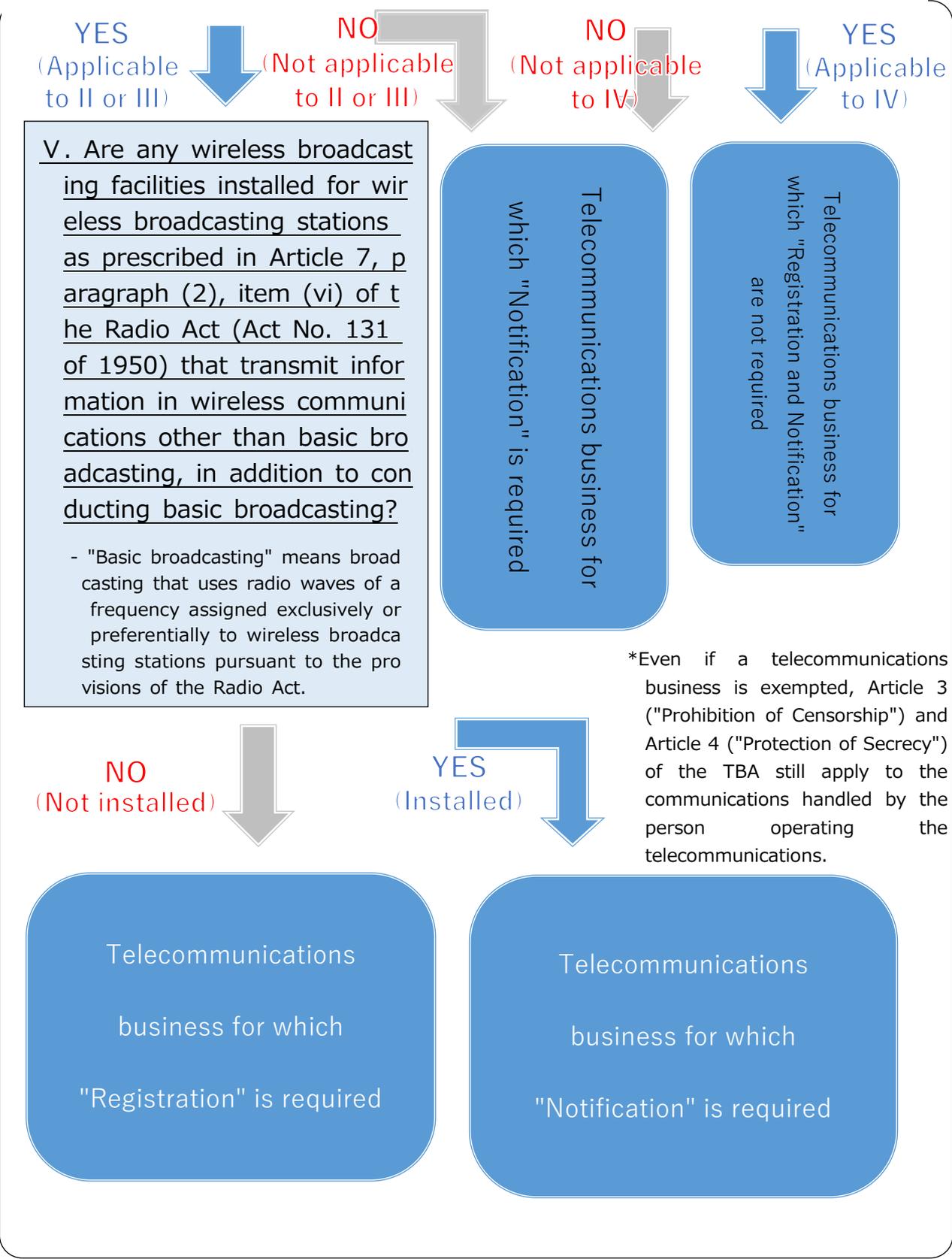
II. Does the area in which the terminal system transmission line facilities (transmission line facilities connected to terminal facilities or customer-owned and maintained telecommunications facilities) are installed extend beyond a single municipality (including special wards) (or ward or general ward in the case of a designated city as per Article 252-19, paragraph (1) of the Local Autonomy Law [Act No. 67 of 1947])?

III. Does the area in which the transit system transmission line facilities (transmission line facilities other than "terminal system transmission line facilities") are installed extend beyond one prefecture?

IV. Does the business fall under the category of a telecommunications business that provides telecommunications services (excluding domain name telecommunications services, search information telecommunications services, and telecommunications services equivalent to intermediation) other than telecommunications services of intermediating other persons' communications through the use of telecommunications facilities without installing telecommunications line facilities? (Article 164, paragraph (3), item (iii) of the TBA)

- "Intermediating other persons' communications" means to transmit and switch information at the request of others, without making changes to the content of the information, and conveying communications between people in remote locations or acting as an intermediary to complete their communication. For example, an email service generally uses an email server to transmit information at the request of the sender without making changes to the content of that information, and this falls under "intermediating other persons' communications" through the use of telecommunications facilities.  
- If a server is used to provide information to users over the internet or in other such cases where one's own telecommunications facilities are used for communications between oneself and other persons, this does not fall under "intermediating other persons' communications."

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(Reference) Approach to whether or not registration or notification of online services is required

With regard to online services provided by a business operator (including a business operator who does not set up a server itself but uses the cloud to provide services and applications), if the business operator transmits information at the request of another person without changing the content of the information, it is considered to be a telecommunications business that requires registration or notification, as it falls under "intermediating other persons' communications."

Specifically, if both of the following two conditions apply, the service falls under the category of "mediating another person's communication."

- (a) No processing or editing is performed.
- (b) The recipient is designated as the destination of the communication at the time of transmission.

"No processing or editing" means that the essential content of the information is not altered. On the other hand, external and formal modifications, such as format changes, media conversions, and addition of delivery information to mail headers, fall under "no modification of essential contents," i.e., "no processing or editing."

If even one of the above does not apply, it does not fall under the category of "intermediating other persons' communications," and is judged to be a telecommunications business that does not require registration or notification. However, this excludes cases where a telecommunications carrier receives "telecommunications services mediating the communications of others" from another telecommunications carrier and resells such services on its own initiative.

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**4. Primary Examples and Approaches**

"Telecommunications business for which 'registration' or 'notification' is required" generally includes businesses that provide telecommunications services such as those shown in the following table. Additionally, businesses conducting the wholesale or resale of these telecommunications services are also determined to be "telecommunications business for which 'registration' or 'notification' is required."

Subscription telephone, relay telephone, international telephone, public telephone, FAX, telegram, mobile cell phone, PHS, data transmission (frame relay, ATM switching, etc.), IP phone, ISP, FTTH, DSL, CATV, FWA, BWA, Local 5G, public wireless LAN access, wide-area ethernet, IP-VPN, exclusive-use services, unlicensed LPWA, Internet-related services (email, IX, etc.), etc.

Primary examples and the approaches thereto, are given below. However, note with caution that depending on their specific content, businesses may be viewed differently than explained below.

If multiple services are provided in a complex manner, such as on so-called cloud, platforms, super apps, and portal sites, the necessity of registration or notification shall be determined for each service.

Example	Approach	Determination results
Internal telephone extensions and LANs	<p>This refers to the establishment and operation by a company, government ministry or agency, university, or other organization that installs internal telephone extensions or LANs themselves to enable employees to communicate with each other about work-related topics.</p> <p>If a company's top representative or a company or an individual's employer or an employee engages in communication pertaining to the operations of that company or individual thereof, their status will be that of an organ of</p>	Not telecommunications services (not subject to the rules of the TBA)

	<p>the company or individual, and the effect thereof will be directly attributable to the company or individual in question. Therefore, this is a communication by the company or of an individual and does not constitute communications of "other persons."</p> <p>The establishment and operation of internal telephone extensions and LANs is simple self-consumption and communication for one's own use, so this is deemed not to be a telecommunications service.</p> <p>(→ Flowchart (1))</p>	
<p>Administering a network among affiliate companies</p>	<p>This refers to corporate use telecommunications for work-related topics by a company that has built a network among multiple subsidiaries, group companies, etc. and affiliated companies by installing their own dedicated data telecommunication lines. Subsidiaries and other affiliates are still "other persons," and therefore providing communications among affiliated companies can be described as serving the demand of affiliates (any other person); therefore, these services are deemed to be a telecommunications business for which "registration" or "notification" is required if fees in excess of cost are charged.</p>	<p>Telecommunications services that require registration or notification</p>
	<p>On the other hand, providing an inter-affiliated company network to multiple subsidiaries, group companies, etc. for free or at cost-based rates is not considered to be "operating" a telecommunications business.</p> <p>(→ Flowchart (3) I)</p>	<p>Not a person conducting telecommunications business (not subject to the rules)</p>
<p>Internet services provided by office or apartment management</p>	<p>This refers to internet services directly provided by offices or apartment management companies, lessors, etc., for their tenants at a set fee.</p> <p>The provision of telecommunications services can be recognized as an independent business, and so these services are deemed to be a</p>	<p>Telecommunications services that require registration or notification</p>

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<p>companies to their tenants</p>	<p>telecommunications business for which "registration" or "notification" is required.</p>	
	<p>On the other hand, if an internet service used only by tenants is provided by a homeowners' association or management association comprised of apartment building tenants, this service is deemed to be serving one's own demand and not the demand of others and does not fall under telecommunications business. (→ Flowchart (2) I)</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>
<p>Hotel internet, internet at shared offices, etc.</p>	<p>This refers to the provision of devices and internet services by a hotel operator, etc., to enable guests to use the Internet as part of accommodation services. Because these services provide devices incidental to accommodation services, this provision of telecommunications services cannot be viewed as an independent business, and therefore these services are deemed to not fall under "telecommunications business." (→ Flowchart (2) II) Internet provided in shared offices and rental conference rooms is similarly determined not to be a telecommunications business.</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>
<p>Hotel telephone</p>	<p>This refers to the setting up and operation of telephones by a hotel operator, etc., as a part of accommodation services to enable internal calls between guests and outbound calls from guests to external parties. Because these services set up and operate telephones incidental to accommodation services, the provision of telecommunications services cannot be viewed as an independent business, and therefore these services are deemed to not fall under "telecommunications business." (→ Flowchart (2) II)</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>
<p>Internet</p>	<p>This refers to the setting up of internet-</p>	<p>Telecom-</p>

<p>cafe</p>	<p>connected devices and PCs only in a store to enable users to temporarily access the internet via telecommunications services provided by an ISP, etc.</p> <p>For internet cafe communications systems as a whole, it is the ISP, etc., that is providing the network to which the terminal PCs are connected, and it is the ISP that is intermediating the communications of others. If telecommunications line facilities are not installed by the service provider, internet cafes are deemed to not be a telecommunications business for which registration and notification are required.</p>	<p>munications services that do not require registration or notification</p>
<p>Call forwarding services</p>	<p>This refers to a service under which a user is provided with a phone number used and managed by a service provider, and incoming calls are forwarded from callers to service users, or outgoing calls are forwarded from service users to recipients via a phone number used and managed by the service provider. This includes cases where the transfer function is provided in the cloud.</p> <p>Since these services intermediate other persons' communications through the use of telecommunications facilities, they are deemed to be a telecommunications business for which registration or notification is required.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Automatic telephone receptionist services</p>	<p>This refers to a service under which phone calls, faxes, etc., addressed to service users are received via telecommunications facilities (servers, etc.) without human intervention, and transmitted to service users after conversion and reformatting for different media types, without changing the information of the phone call, fax, etc. This includes receiving faxes in the cloud, as well as automatically transcribing phone calls and providing them via email or chat.</p> <p>The service provider intermediates other persons' communications through the use of</p>	<p>Telecommunications services that require registration or notification</p>

	<p>telecommunications facilities, and so this is deemed to be a telecommunications business for which "registration" or "notification" is required.</p>	
Public wireless LAN	<p>This refers to the provision of paid public wireless LAN service by installing access points, etc., or by using the access points of others. This service is judged to be a telecommunications business requiring registration or notification because it uses telecommunications facilities to intermedate other persons' communications. Even if the service is not paid for (i.e., provided free of charge), it is considered to be a telecommunications business requiring registration or notification if it is intended to earn profits from the provision of telecommunications services in a substantial manner, such as by generating advertising revenue. A telecommunications business that rents access points from a facility manager and provides telecommunications services to visitors is also considered to be a telecommunications business requiring registration or notification.</p>	Telecommunications services that require registration or notification
	<p>This refers to the provision of public wireless LAN services by facility managers, etc. of commercial facilities, tourist facilities, etc., by installing access points within the facilities for use by visitors. This service provided by facility managers, etc. is determined not to be a telecommunications business because the provision of telecommunications services cannot be understood as an independent business. (→ Flowchart (2) II)</p>	Not telecommunications services (not subject to the rules of the TBA)
	<p>A local government provides public wireless LAN services to an unspecified large number of people by installing access points in parks and public facilities. Although local governments as service</p>	Telecommunications services that require notification

	<p>providers are not, in principle, considered to be engaged in the telecommunications business, this service is considered to be a telecommunications business requiring notification if the telecommunications facilities are deemed to be provided as telecommunications services for use by an unspecified large number of people, in accordance with Article 165 of the TBA.</p>	<p>(not-for-profit notification)</p>
<p>IoT services (e.g., doorbells with call functions, cameras for watching over the house, etc.)</p>	<p>An IoT service that uses servers and software to store data received from IoT terminals and process communications, where the information is not processed or edited in the process of provision, and where the recipient is specified as the destination at the time of transmission. This service is determined to be a telecommunications business that requires registration or notification because it uses telecommunications facilities to intermediate other persons' communications.</p>	<p>Telecommunications services that require registration or notification</p>
<p>IoT services (e.g., goods location management, congestion detection systems)</p>	<p>An IoT service that uses servers and software to store data received from IoT terminals and process communications, etc., and that does not process or edit information or designate recipients as destinations for transmission in the process of providing such services. Since this service does not use telecommunications facilities to intermediate other persons' communications, it is considered to be a telecommunications business that does not require registration and notification. (→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
	<p>However, if, in conjunction with the provision of the above IoT services, a telecommunications carrier receives the provision of "telecommunications services intermediating other persons' communications (SIM and other lines)" from another telecommunications carrier and resells the SIM and other lines by changing the conditions of provision and prices, etc., the</p>	<p>Telecommunications services that require registration or notification</p>

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	<p>telecommunications carrier is acting as the provider and reselling the SIM and other lines itself, and is thus considered to be a telecommunications service requiring registration or notification.</p>	
MVNO (Mobile Virtual Network Operator)	<p>This refers to the provision of independent mobile communication services to users through the use of a mobile telecommunications carrier's existing network infrastructure.</p> <p>These services are deemed to be a telecommunications business for which registration or notification is required as telecommunications services that intermediate other persons' communications are independently provided to users and to intermediate the communications of others.</p>	Telecommunications services that require registration or notification
FVNO (Fixed Virtual Network Operator)	<p>This refers to the provision of independent fixed communication services to users through the use of a fixed telecommunications carrier's existing network infrastructure.</p> <p>These services are deemed to be a telecommunications business for which registration or notification is required as telecommunications services that intermediate other persons' communications are independently provided to users and to intermediate the communications of others.</p>	Telecommunications services that require registration or notification
Channel rental	<p>This refers to a service in which the installer of telecommunications line facilities divides up a frequency band, and rents parts of these out to companies and others. These services are deemed to be a telecommunications business for which registration or notification is required.</p>	Telecommunications services that require registration or notification
Rebilling	<p>This refers to a business that receives a large-volume discount from a telecommunications carrier and resells telecommunications services at a discount to users. These services are deemed to be a telecommunications business for which registration or notification is required.</p>	Telecommunications services that require registration or notification

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		notification
Provision of telecommunications services together with the lending of devices	<p>This refers to services in which a person that has received the provision of "telecommunications service that intermediates other persons' communications " provides telecommunications services together with devices (e.g. mobile phones, Wi-Fi routers) for those services to users by changing the terms and conditions of the offer, prices, etc.</p> <p>In these services, the entity is providing telecommunications services (resale of telecommunications services) at its own initiative, so they are deemed to be a telecommunications business for which registration or notification is required.</p>	Telecommunications services that require registration or notification
	<p>Additionally, if the telecommunications services are made available to others to be used without changing the fees or conditions under which the services are provided by a telecommunications carrier, the entity cannot be recognized as independently providing the telecommunications services themselves, and this is therefore deemed to be a telecommunications business for which registration or notification is not required. (Excluding cases in which the entity lending the devices is recognized as the independent provider of the services due to the relationship between the telecommunications carrier and the lender of the devices.)</p>	Telecommunications services that do not require registration or notification
	<p>If only equipment is lent, it does not fall under the category of telecommunication services (the user procures telecommunication services from other service providers). (→ Flowchart (1))</p>	Not telecommunications services (not subject to the rules of the TBA)
Agency for	This refers to serving as an agent, broker, or	Not

<p>mobile phone agreements etc.</p>	<p>intermediary for agreements regarding the provision of mobile phone or FTTH access services, and other services.</p> <p>Because this is merely an agency service for contracts, these services are deemed to not to fall under "telecommunications services." (→ Flowchart (1))</p> <p>In addition, a person who acts as an agent for a contract, etc. must file a notification of intermediation, etc., in accordance with Article 73-2 of the TBA.</p>	<p>telecommunications services (person entrusted with intermediation or other similar actions that conducts notification)</p>
<p>Lending of spaces for server installation (housing)</p>	<p>This term refers to a business in which a real estate company sets up a building equipped with power supply facilities and earthquake-resistant facilities, and leases space for servers, etc., to a telecommunications carrier.</p> <p>Because this is nothing more than a real estate business in which a space is rented out, these services are deemed to not to fall under "telecommunications services." (→ Flowchart (1))</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>
	<p>However, if the abovementioned service provider is providing users of the abovementioned service with telecommunication lines that the lender has procured, this falls under "reselling of telecommunications services" and therefore it is a telecommunications business for which registration or notification is required.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Rental of servers for mail servers, etc. (rental servers, VPS,<sup>8</sup></p>	<p>This refers to the lending of the server itself or a portion of the server so that individuals, companies, etc. can use a mail server, etc. (hosting service).</p> <p>This service is considered a telecommunications business that requires registration or notification because it provides functions to intermediate</p>	<p>Telecommunications services that require registration or notification</p>

<sup>8</sup> Virtual Private Server

<p>PaaS)</p>	<p>other persons’ communications. The lending of a server that includes functions that enable the intermediation of other persons’ communications, such as an e-mail service, to a person who intends to engage in a telecommunications business is also considered to be a telecommunications business requiring registration or notification.</p>	
<p>Rental of servers for web servers, etc. (rental server, VPS, <sup>8</sup> PaaS) for web servers, etc.</p>	<p>This refers to the lending of the server itself or part of the server so that individuals, companies, etc. can use a web server, database server, etc. (so-called hosting service). This service is considered a telecommunications business that does not require registration or notification because it does not provide functions to intermediate other persons’ communications. The lending of a server including functions such as a web server and a database server to a person who intends to engage in a telecommunications business is also considered a telecommunications business that does not require registration or notification. (→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
<p>Online storage</p>	<p>This refers to the installation of servers, etc., and storing users’ data, etc. via the Internet, etc. for enabling users to store data. These services do not process or edit information, but do not specify the recipient as the destination when saving data, and thus they constitute communications between oneself and other persons (users) and do not intermediate other persons’ communications. Therefore, if telecommunications line facilities are not installed, these services are deemed to be a telecommunications business for which registration and notification are not required. (→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
<p>File sharing</p>	<p>This refers to a service in which a server, etc.</p>	<p>Telecom-</p>

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<p>service/file transfer service</p>	<p>is set up to receive and store users' data, etc. via the Internet, etc. for the purpose of users sharing data with each other.</p> <p>Although this service does not process or edit information, since the recipient is not designated as the destination when the data is saved, it makes oneself and others (the users) communicate and does not intermediate other persons' communication. If the service provider does not install telecommunication line facilities, it is considered to be a telecommunication business that does not require registration and notification.</p> <p>(→ Flowchart (5) IV)</p>	<p>munications services that do not require registration or notification (item (iii) business)</p>
	<p>However, if, in addition to the above services, a messaging function is provided between users to notify them that data has been saved and where it is stored, it is considered a telecommunications business that requires registration or notification, since it intermediates other persons' communications.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Content delivery (including CDN)</p>	<p>This refers to the transmission of content provided by companies (etc.) over the internet to specific recipients, without making any changes to the content. This includes cases where a CDN (Content Delivery Network) is provided.</p> <p>As these services intermediate other persons' communications, they are deemed to be a telecommunications business for which registration or notification is required.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Domain name resolution service</p>	<p>This refers to the provision of a function to use an authoritative DNS (Domain Name System) server to give IP addresses (e.g. 2001:240:Bb81::21:e0) corresponding to domain names (www.soumu.go.jp) in response to user queries.</p> <p>Although this service is not determined to be a telecommunications service that is intermediating the communications of others, given the importance of this service to internet</p>	<p>Telecommunications services that require registration or notification</p>

	<p>usage, domains with a high public interest (ccTLD ".jp"), geographical domain names (gTLD ".tokyo" ".osaka", etc.), and high-impact domains (those with subdomains [excluding those used by the service provider] for 300,000 or more subscriptions or DNS hosting services for 300,000 or more subscriptions) are deemed to be a telecommunications business for which "registration" or "notification" is required. (→ Flowchart (5) IV)</p>	
<p>Online provision of software (SaaS, ASP)</p>	<p>This refers to the building of application software in the cloud or the installation of servers equipped with application software for labor and sales management and allowing companies or individuals, etc., to use that software over the Internet, etc. (SaaS, ASP service in a narrowly defined sense).                  Since these services make oneself and others (users) communicate and does not intermediate other persons' communications, in cases where the service provider installs no telecommunications line facilities, these services are deemed to be a telecommunications business for which registration and notification are not required.                  (→ Flowchart (5) IV)</p> <p>However, if, in addition to the above services, the entity provides functions to intermediate messages between users, such as e-mail, chat, online meetings, etc., as part of its services, it is considered to be a telecommunications business that requires registration or notification.</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p> <p>Telecommunications services that require registration or notification</p>
<p>Online provision of information</p>	<p>This refers to the use of telecommunications facilities (servers, etc.) to provide information of weather forecasts, news, etc. to users over the Internet.                  These services fall under "telecommunications business" because their purpose is the provision of telecommunications services (information transmission) itself to meet the demand of users</p>	<p>Telecommunications services that do not require registration or notification</p>

	<p>(other persons). However, since this is communication between oneself and other persons (users) and does not intermediate other persons' communications, if telecommunications line facilities are not installed, this is deemed to be a telecommunications business for which registration and notification are not required. (→ Flowchart (5) IV)</p>	<p>(item (iii) business)</p>
<p>Online website search</p>	<p>This refers to creating an extensive website database and providing website URLs, including search terms, to users over the internet (portal sites in a narrowly defined sense). Since these services provide communication between oneself and other persons (users) and does not intermediate other persons' communications, if the service provider does not install telecommunications line facilities, these services are deemed to be a telecommunications business for which registration and notification are not required. (→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
	<p>However, if the average number of monthly active users in the previous year was 10 million or more and the company provides the above services across sectors, it is a telecommunications business that requires registration or notification.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Online sales of the company's products, etc.</p>	<p>This refers to services in which retailers, etc. use telecommunications equipment (servers, etc.) to establish EC sites and handle online sales of their products, etc. and inquiries via the Internet. It also includes online banking by banks and securities firms and online securities (including those specializing in online transactions). These services provide telecommunications facilities for use in the communications of others and falls under "telecommunications services." However, the provision of telecommunications</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>

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	<p>services as a method of executing other core operations of one's business that are not necessarily based on provision of telecommunications services (information transmission) constitutes serving one's own demand, and are not meeting the demand of others, which means that it deemed to not fall under "telecommunications business".</p> <p>Similarly, services of retailers, etc. opening a store or exhibiting in an e-commerce mall to sell their products online and respond to inquiries, etc. are also deemed to not fall under "telecommunications business".</p> <p>(→ Flowchart (2) I)</p>	
<p>Management of EC mall, internet auction, flea market application</p>	<p>This refers to the provision of "venues" for shopping at multiple stores or purchasing items from multiple sellers over the internet.</p> <p>As these services do not intermediate other persons' communications, if the service provider does not install telecommunications line facilities, these services are deemed to be a telecommunications business for which registration and notification are not required.</p> <p>(→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
	<p>Even in cases where a "venue" is provided, if the service includes functionality that intermediates messages sent between users, then "registration" or "notification" is determined to be necessary.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Establishing of websites by individuals and companies (For the exclusive purpose of</p>	<p>This refers to the establishing of websites by individuals and companies using telecommunications facilities (e.g. servers) and for disseminating only their own information over the Internet, for the exclusive purpose of providing this information.</p> <p>Since the concept of "other persons' communications " includes communications between oneself and other people, the use of one's own telecommunications facilities for</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>

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<p>sharing one's own information)</p>	<p>communication with website viewers (other people) constitutes providing facilities for use in other persons' communications (i.e., one's partner party for these communications), and this means it falls under "telecommunications services." However, providing telecommunications services as a way of exclusively transmitting one's own information constitutes serving one's own demand and not serving other persons' demand, so it is deemed to not fall under "telecommunications business." (→ Flowchart (2) I)</p>	
<p>Email forms/chat bots</p>	<p>This refers to inquiries from customers and residents received by companies and local governments by phone, etc., as well as the establishment of websites for email forms or chatbots through the use of telecommunications facilities to receive inquiries from customers and residents over the Internet.</p> <p>The provision of telecommunications services in receiving inquiries from customers and residents constitutes serving one's own demand and not serving the demand of others, so these services are deemed to not fall under "telecommunications business." (→ Flowchart (2) I)</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>
<p>Social Networking Service (SNS), video sharing platform, blogging platform</p>	<p>A service that provides "venues" for exchange among an unspecified number of users via the Internet, where said users can post, view, and comment on text, audio, images, and video exchanging textual information, etc.</p> <p>Since this service does not intermediate other persons' communications, it is considered to be a telecommunications business that does not require registration and notification if the service provider has not installed telecommunications line facilities. (→ Flowchart (5) IV)</p>	<p>Telecommunications services that do not require registration or notification (item (iii) business)</p>
	<p>However, if the average number of monthly active users in the previous year is 10 million or more, registration or notification is required for</p>	<p>Telecommunications services that</p>

	the telecommunications business.	require registration or notification
	However, even in the case of providing "venues," if a function to intermediate messages between users is provided as part of the service, it is considered to be a telecommunications business requiring registration or notification.	Telecommunications services that require registration or notification
Bulletin board system (BBS)	This refers to the provision of "venues" where many unspecified users can exchange information in text form over the internet. As these services do not intermediate other persons' communications, if the service provider does not install telecommunications line facilities, these services are deemed to be a telecommunications business for which registration and notification are not required. (→ Flowchart (5) IV)	Telecommunications services that do not require registration or notification (item (iii) business)
	However, an electronic bulletin board that requires user registration (excluding those provided in conjunction with other services), and where the average number of monthly active users in the previous year was 10 million or more, is a telecommunications business requiring registration or notification.	Telecommunications services that require registration or notification
	Even in cases where "venues" are provided, if the service includes functionality that intermediates messages sent between users, then registration or notification is determined to be necessary.	Telecommunications services that require registration or notification
Open chat	This refers to the provision of "venues" where many unspecified users can exchange information in text-based form and in real time over the internet.	Telecommunications services that do not

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	<p>Since these services can be viewed to be providing a "real-time BBS" and do not intermediate other persons' communications, if the service provider does not install telecommunications line facilities, these services are deemed to be a telecommunications business for which registration and notification are not required. (→ Flowchart (5) IV)</p>	<p>require registration or notification (item (iii) business)</p>
	<p>However, an open chat service that requires user registration (excluding those provided in conjunction with other services) and where the average number of monthly active users in the previous year was 10 million or more is considered a telecommunications business requiring registration or notification.</p>	<p>Telecommunications services that require registration or notification</p>
	<p>Even in cases where "venues" are provided, if the service includes functionality that intermediates messages sent between users, then registration or notification is determined to be necessary.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Transmitting messages between users (applications, SaaS)</p>	<p>This refers to the transmission of messages between users, such as message applications and SMS applications.  This service is determined to be a telecommunications business that requires registration or notification because it uses telecommunications facilities to mediate other persons' communications.  Even if the main service does not consist of transmitting messages between users, but provides the functionality as part of the whole service, this is also deemed to be a telecommunications business for which "registration" or "notification" is required.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Closed chat/online conference</p>	<p>This refers to the intermediation of conversations, etc. that are closed only to specific users through the establishment of chat rooms, etc. on a website. This includes cases</p>	<p>Telecommunications services that require</p>

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	<p>where chat rooms are provided between users in online games. This service is considered to be a telecommunications business that requires registration or notification because it uses telecommunications facilities to intermediate other persons' communications.</p>	<p>registration or notification</p>
<p>Matching sites/applications (including Online dating sites and apps)</p>	<p>This refers to services in which information regarding the matching preferences of companies and individuals can be viewed via the Internet, and messages from users pertaining to this information are intermediated using applications, emails, and other means. This service is determined to be a telecommunications business for which registration or notification is required because it uses telecommunications facilities to mediate other persons' communications.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Email, chat, etc. using foreign servers</p>	<p>This refers to the provision of email or chat services for domestic users through the internet using telecommunications facilities (servers, etc.) installed in foreign countries. Since there are no limitations on where the telecommunications facilities are installed, and telecommunications services that intermediate other persons' communications are provided through the use of telecommunications facilities, it is deemed to be a telecommunications business for which registration or notification is required.</p>	<p>Telecommunications services that require registration or notification</p>
<p>Administration of greeting cards service on a website</p>	<p>This refers to a portal website, etc., on the Internet that creates web pages, such as images with messages based on requests from users, and allows only the recipient to view greeting cards. These services are judged to be a telecommunications business requiring registration or notification because they do not process or edit information but send images with messages to the viewer designated as the recipient of the communications, thereby</p>	<p>Telecommunications services that require registration or notification</p>

	intermediating other persons' communication.	
Intermediary service for electronic power of attorney	<p>This refers to a service whereby an electronic power of attorney is presented, submitted and stored using telecommunications facilities (servers, etc.) This service is performed at the delegation of a carrier that is a party to an electronic agreement, and it serves the purpose of presenting assignment of power of attorney in electronic agreements.</p> <p>In these services, when one party to an electronic contract transmits the contents of an electronic power of attorney to a person or other party designated as the addressee of the communication without changing the contents of the electronic power of attorney, the telecommunication facilities are used to mediate the communication of another party. Therefore, the service is deemed to be a telecommunications business for which registration or notification is required.</p>	Telecommunications services that require registration or notification
Intermediary of email magazines (including those sent via SMS)	<p>This refers to the sending information, such as event information and product PR material provided by companies (etc.) over the internet, by using emails or SMS, to pre-registered subscribers without making any changes to the content.</p> <p>As these services intermediate other persons' communications through the use of telecommunications facilities, they are deemed to be a telecommunications business for which registration or notification is required.</p>	Telecommunications services that require registration or notification
Distribution of email magazines	<p>This refers services to create email magazines based on event information and product PR material provided by companies, etc., and send those magazines to pre-registered subscribers, etc.</p> <p>These services fall under "telecommunications business" because their purpose is the information transmission itself (provision of telecommunications services) using the internet to meet the demand of subscribers (other</p>	Telecommunications services that do not require registration or notification (item (iii) business)

	<p>persons). However, since email magazines are created and sent to subscribers based on information provided by companies, etc., this is determined to not constitute the intermediating other persons' communications, and if the service provider does not install telecommunications line facilities, the services are deemed to be a telecommunications business for which registration and notification are not required.</p> <p>(→ Flowchart (5) IV)</p>	
Issue of email magazines	<p>This means PR activities performed by companies, etc., and targeted at customers via mail or advertising space in newspapers (e.g. advertising one's own products, announcement of events), as well as PR via emails targeted at pre-registered lists of customers, etc.</p> <p>The provision of telecommunications services in conducting PR targeted at customers and regarding information pertaining to the core operations of a business constitutes serving one's own demand and not serving the demand of others, so these services are deemed to not fall under "telecommunications business."</p> <p>(→ Flowchart (2) I)</p>	Not telecommunications services (not subject to the rules of the TBA)
Free email services operated by individuals	<p>This refers to the operation of free email services that enable individuals to communicate only with certain members (friends, etc.).</p> <p>Since such services are free, do not generate revenue from the attachment of banner ads, etc., to emails, and are not a profit-generating business, the individual is deemed not to be a person conducting telecommunications business.</p> <p>(→ Flowchart (3) I)</p>	Not a person conducting telecommunications business (not subject to the rules)
Broadcasting	<p>Defined as "the transmission of telecommunications intended to be received directly by the general public" (Broadcasting Act, Article 2, paragraph (1), item (i)), this is focused on the act of using radio waves to transmit information (from among the possible</p>	Not telecommunications services (not subject to the rules)

	<p>actions of transmission, emission, or receiving information).</p> <p>Although broadcasting for the purpose of transmission may be intended to be received directly by the general public, there are large numbers of unspecified viewers and listeners who do not necessarily need to receive these transmissions, and legally, these recipients are not viewed as the other party in these transmissions (their status as the other party is merely the hope of the transmitter).</p> <p>Additionally, unlike other wireless communications, the recipient's wireless broadcasting facilities are set up without the contribution of the broadcaster, i.e., the transmitter.</p> <p>Broadcasting may appear to be the use of transmitting equipment by a broadcaster in communications with recipients, but since it is focused primarily on the unilateral supply of program broadcasting, it is deemed not to fall under "telecommunications services." (→ Flowchart (1))</p>	<p>of the TBA)</p>
<p>Use of telecommunications facilities for emergency communications in an extraordinary disaster situation (Disaster Relief Act, Article 11)</p>	<p>This refers to situations whereby the Minister of Health, Labor and Welfare, prefectural governors, and others, give priority to the use of telecommunications facilities provided by telecommunications carriers to support essential emergency work-related communications in the event of an extraordinary disasters in which emergency aid operations are needed.</p> <p>Because such services are provided on an emergency or temporary basis during an emergency situation, they are deemed not to fall under the category of "telecommunications business."</p> <p>Additionally, the use of telecommunications facilities for the below purposes, for the same reasons, is also deemed not to fall under "telecommunications business."</p>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>

	<p style="text-align: right;">(→ Flowchart (2) II)</p> <ul style="list-style-type: none"> <li>- Emergency communications for flood prevention (Flood Control Act, Article 27, paragraph (2))</li> <li>- Emergency communications pertaining to disaster forecasts or warnings, and emergency communications necessary for the implementation of emergency stopgap measures in the event of a disaster (Basic Act on Disaster Management, Article 57 and 79)</li> <li>- Emergency communications in the event that an earthquake disaster warning is issued and emergency communications are needed for the implementation of emergency stopgap measures (Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes, Article 20 and 26, paragraph (1))</li> </ul>	
<p>Provision of communications facilities by rail transport operators for Japan Post Holdings Co., Ltd. (Act on Consignment of Mail Shipping, Article 8)</p>	<p>This refers to the provision to Japan Post of communications facilities by rail transport operators which are required for the loading and unloading, storage, and other handling of mail when so requested by the Minister of Internal Affairs and Communications as per the Act on Consignment of Mail Shipping, Article 8.</p> <p>Because this is performed by rail transport operators to serve the legal rights of Japan Post (the user), these services are deemed not to fall under "telecommunications business."</p> <p>Additionally, the below, for the same reasons, are also deemed not to fall under "telecommunications business."</p> <p style="text-align: right;">(→ Flowchart (2) II)</p> <ul style="list-style-type: none"> <li>- Provision of police communication facilities to the Fire and Disaster Management Agency and local governments for firefighting-related administrative operations (Fire and Disaster Management Organization Act, Article 41)</li> <li>- Mutual provision of police communication facilities for the National Police Agency or prefectural police for communication purposes</li> </ul>	<p>Not telecommunications services (not subject to the rules of the TBA)</p>

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	(Police Act, Article 78, paragraph (2))	
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## 5. Reference Materials

Guide to Telecommunications Business Entry and Change Procedures

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/denkitsushin\\_suishin/tetsuzuki/index.html](https://www.soumu.go.jp/menu_seisaku/ictseisaku/denkitsushin_suishin/tetsuzuki/index.html)

Guidelines

[https://www.soumu.go.jp/joho\\_tsusin/eidsystem/law01\\_03.html](https://www.soumu.go.jp/joho_tsusin/eidsystem/law01_03.html)

Telecommunications Business Entry Manual [English]

[https://www.soumu.go.jp/main\\_content/000743511.pdf](https://www.soumu.go.jp/main_content/000743511.pdf)

Telecommunications Business Entry Manual (Supplement) Guidebook

[https://www.soumu.go.jp/main\\_content/000799137.pdf](https://www.soumu.go.jp/main_content/000799137.pdf)

Guideline Concerning the Application of the Telecommunications Business Act to Foreign Corporations, etc. that Operate Telecommunications Businesses [English]

[https://www.soumu.go.jp/main\\_content/000737212.pdf](https://www.soumu.go.jp/main_content/000737212.pdf)

Telecommunications Carriers' Network Construction Manual

[https://www.soumu.go.jp/main\\_content/000426546.pdf](https://www.soumu.go.jp/main_content/000426546.pdf)

Consumer Protection Rules of the Telecommunications Business Act

[https://www.soumu.go.jp/main\\_sosiki/joho\\_tsusin/d\\_syohi/shohi.htm](https://www.soumu.go.jp/main_sosiki/joho_tsusin/d_syohi/shohi.htm)

Explanation of the Guidelines for the Protection of Personal Information in the Telecommunications Business

[https://www.soumu.go.jp/main\\_sosiki/joho\\_tsusin/d\\_syohi/telecom\\_perinfo\\_guideline\\_intro.html](https://www.soumu.go.jp/main_sosiki/joho_tsusin/d_syohi/telecom_perinfo_guideline_intro.html)

System to ensure the safety and reliability of telecommunications facilities for business use

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/net\\_anzen/jigyoyo/index.html](https://www.soumu.go.jp/menu_seisaku/ictseisaku/net_anzen/jigyoyo/index.html)

Guide to telecommunications-related qualification procedures

[https://www.soumu.go.jp/main\\_sosiki/joho\\_tsusin/denkishikaku.html](https://www.soumu.go.jp/main_sosiki/joho_tsusin/denkishikaku.html)

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**Overview of Information and Communication Network Safety and Reliability Standards, etc.**

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/net\\_zen/anshin/index.htm](https://www.soumu.go.jp/menu_seisaku/ictseisaku/net_zen/anshin/index.htm)  
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**Guidelines for the Application of Laws and Regulations Related to the Telecommunications Business Act in Relation to Telecommunications Accidents**

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/net\\_zen/jiko/handan.html](https://www.soumu.go.jp/menu_seisaku/ictseisaku/net_zen/jiko/handan.html)

**Outline of Accident Reporting System**

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/net\\_zen/jiko/index.html](https://www.soumu.go.jp/menu_seisaku/ictseisaku/net_zen/jiko/index.html)

**Telecommunications Business Reporting Rules**

[https://www.soumu.go.jp/joho\\_tsusin/eidsystem/houkoku\\_kisoku.html](https://www.soumu.go.jp/joho_tsusin/eidsystem/houkoku_kisoku.html)

**Guidelines for the Promotion of Competition in the Telecommunications Business Sector**

[https://www.soumu.go.jp/main\\_content/000695595.pdf](https://www.soumu.go.jp/main_content/000695595.pdf)

**Manual for Notification of Persons Entrusted with Intermediation, etc.**

[https://www.soumu.go.jp/main\\_sosiki/joho\\_tsusin/d\\_syohi/135414.html](https://www.soumu.go.jp/main_sosiki/joho_tsusin/d_syohi/135414.html)

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## 6. Inquiries about Procedures, etc.

Inquiries regarding registration and notification procedures are to be directed to the following.

Regional Bureau of Telecommunications	Division in Charge	Phone number	Jurisdiction
Hokkaido Regional Bureau of Telecommunications	Telecommunications Business Division	011-709-2311 (Ext. 4705)	Hokkaido
Tohoku Regional Bureau of Telecommunications	Telecommunications Business Division	022-221-0630	Aomori, Iwate, Miyagi, Akita, Yamagata, Fukushima
Kanto Regional Bureau of Telecommunications	Telecommunications Business Division	03-6238-1675 [Notification without line installation] 03-6238-1679 [Registration, not-for-profit notification, notification with line installation]	Ibaraki, Tochigi, Gunma, Saitama, Chiba, Tokyo, Kanagawa, Yamanashi
Shinetsu Regional Bureau of Telecommunications	Telecommunications Business Division	026-234-9948	Niigata, Nagano
Hokuriku Regional Bureau of Telecommunications	Telecommunications Business Division	076-233-4422	Toyama, Ishikawa, Fukui
Tokai Regional Bureau of Telecommunications	Telecommunications Business Division	052-971-9403	Gifu, Shizuoka, Aichi, Mie
Kinki Regional Bureau of Telecommunications	Telecommunications Business Division	06-6942-8518	Shiga, Kyoto, Osaka, Hyogo, Nara, Wakayama

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Chugoku Regional Bureau of Telecommunications	Telecommunications Business Division	082-222-3378	Tottori, Shimane, Okayama, Hiroshima, Yamaguchi
Shikoku Regional Bureau of Telecommunications	Telecommunications Business Division	089-936-5042	Tokushima, Kagawa, Ehime, Kochi
Kyushu Regional Bureau of Telecommunications	Telecommunications Business Division	096-326-7824	Fukuoka, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, Kagoshima
Okinawa Office of Telecommunications	Information and Communications Division	098-865-2302	Okinawa

Note: Jurisdiction over market entry procedures for the telecommunications business is determined either by the location of the headquarters of the company seeking to follow the procedures, or in the case of individuals, the individual’s address. In the case of a foreign corporation or individual, the classification shall be based on the address of the domestic representative or domestic agent.

Please consult the Guide to Telecommunications Business Entry and Change Procedures on the website of the Ministry of Internal Affairs and Communications, for more information on these procedures.

[https://www.soumu.go.jp/menu\\_seisaku/ictseisaku/denkitsushin\\_suishin/tetsuzuki/](https://www.soumu.go.jp/menu_seisaku/ictseisaku/denkitsushin_suishin/tetsuzuki/)

For details and contact information regarding the rules concerning user information, such as the rules pertaining to the external transmission of information on users and the rules on the proper handling of specified user information, please refer to the following.

- Explanation of the Guidelines for the Protection of Personal Information in the Telecommunications Business

[https://www.soumu.go.jp/main\\_sosiki/joho\\_tsusin/d\\_syohi/telecom\\_perinfo\\_guideline\\_intro.html](https://www.soumu.go.jp/main_sosiki/joho_tsusin/d_syohi/telecom_perinfo_guideline_intro.html)

- Contact information

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Second Telecommunications Consumer Policy Division, Telecommunications Business Department, Telecommunications Bureau, Ministry of Internal Affairs and Communications

Tel: 03-5253-5847

If you have any questions about this document or wish to have your ideas published, please send an email to the Computer Communications Division / Telecommunications Policy Division, Telecommunications Business Department, Telecommunications Bureau, Ministry of Internal Affairs and Communications, as follows.

To: Marketentry\_TBA\_atmark\_soumu.go.jp

\*To prevent spam mail, "@" is displayed as "\_atmark\_".

Please change it to "@" when sending.

Subject: Case example publication request (name or company name)

Body: (Any style may be used, but please be as specific as possible in describing your case example.)