

Interpretative Guidelines on Electronic Commerce and Information Property Trading Revised

August 28, 2020

▶ Manufacturing, Information, and Distribution/Service Policy

From the standpoint of enhancing predictability for markets involving electronic commerce and trading of information property, the Ministry of Economy, Trade and Industry (METI) periodically revises the Interpretative Guidelines on Electronic Commerce and Information Property Trading, the first version of which was issued in 2002, by reorganizing the interpretations of the Civil Code and other relevant laws.

METI hereby releases the latest guidelines which were revised in line with the revision of the Civil Code (Monetary Claims Act) in 2017, which put into force on April 1, 2020.

1. Outline of the Interpretative Guidelines on Electronic Commerce and Information Property Trading

The Interpretative Guidelines on Electronic Commerce and Information Property Trading were formulated in March 2002 with a view to enhancing predictability for concerned parties and contributing to the facilitation of trade by clarifying how the Civil Code and other relevant laws are applied to various legal issues related to electronic commerce, information property trading, etc. (the guidelines were originally titled "Interpretative Guidelines on Electronic Commerce" as of March 2002).

With the cooperation of academic experts, related ministries and agencies, consumers, and the business community, METI presents an approach to the interpretation of the existing laws. METI anticipates that this approach will serve as an indicator for interpreting such laws surrounding electronic commerce and information property trading.

Since the formulation of the original guidelines in March 2002, METI has revised the guidelines as necessary, in accordance with situations in trade practices, trends in related technologies, and the development of international and internal rules surrounding electronic commerce and information property trading. In this context, METI has revised the guidelines based on the results of deliberation by the Working Group on Rule Establishment for the Business Utilizing IT under the Information Economy Subcommittee of the Commerce, Distribution and Information Committee of the Industrial Structure Council.

2. Details of the revision

The following points have been revised as necessary in line with the enforcement of the Act on Partial Revision of the Civil Code (Act No. 44 of 2017) and, as for the entire guidelines, taking into consideration situations in trade practices, trends in related technologies, and the development of international and internal rules surrounding electronic commerce and information property trading.

(1) Requisite revision in line with the revision of the Civil Code (Monetary Claims Act)

- Revision related to timing of entry into effect of manifestations of intention

I -1-1 Time of formation of contract
And others

- Revision related to mistakes

I -1-2 Mistakes caused by operation errors by consumers
I -1-3 One-click invoices and obligation for fulfillment of contract
I -2-4 Incorrect price indication and legal liability of person who have indicated the price (former I -2-2)
I -8-2 Legal relationship between parties to trading (former I -7-2)
I -11-2 Cases where an orderer has made a wrong order to an AI speaker (former I -10-2)
And others

- Revision related to standard terms of contract

I -2-1-1 Incorporation of terms of use into a contract as standard terms of contract (newly introduced)
I -2-1-2 Disclosure of terms of use to be stipulated as standard terms of contract (newly introduced)
I -2-1-3 Change in terms of use to be stipulated as standard terms of contract after conclusion of a contract (newly introduced)
I -2-2 Contract between businesses and standard terms of contract (newly introduced)
I -2-3 Incorporation of terms of use to which no provision of the standard terms of contract is applied into a contract and changes in the terms after conclusion of a contract (former I -2-1)
And others

- Revision related to seller's warranty

I -8-2 Legal relationship between parties to trading (former I -7-2)
I -8-4 Effectiveness of special clause "No Claim, No Return" policy (former I -7-4)
III-5 Responsibility for non-conformity of software to a contract
And others

- Revision related to obligation of restoration

III-4 Details of obligation that a user has in ending a license contract (former III-4-1)
III-12-2 Use of digital contents after expiry of a contract for using the digital contents
And others

(2) Introducing new questions and revising and deleting existing ones

Former I -3-3 Responsibility of a certification body for causing spoofing (deleted)
I -8-3 Timing of conclusion of a trading contract for an internet auction service or flea-market service (former I -7-3; a new question on so-called online flea-market services is added.)
III-1-3 Effect of failure to provide important items (change of the example in the question from purchase of packaged software to purchase of software by online downloading)
Former III-4-2 Effect of measures for security after expiry of a contract (deleted by incorporation into III-12-2)
IV-4 Cross-border defamation and privacy violation through the internet (consolidation of the former IV-4-1 and the former IV-4-2)
IV-5 Cross-border infringement of trademark rights through the internet (newly introduced)
IV-8 Coverage of regulations under the public laws involving cross-border trading (former IV-7; change of the question to regulations under the public laws, mainly focusing on the Consumer Product Safety Act)
And others

In addition, concerning the entire guidelines, METI conducted: requisite revisions in line with the revision of related laws and regulations, e.g., the Consumer Contract Act, the Act against Unjustifiable Premiums and Misleading Representations and the Copyright Act; revision in line with accumulated interpretations of such laws and regulations; review of compositions and expressions; and harmonization and coordination of the styles of expressions.

3. Call for public comments for future revision

METI will revise the Interpretative Guidelines on Electronic Commerce and Information Property Trading as needed to address changes in trading practices, technical trends, progress in development of international rules and other matters. For this purpose, METI has been accepting and will accept public comments for future revision of the guidelines from time to time.

Please send your comment to:

Information Economy Division, Commerce and Information Policy Bureau, METI
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Note: When sending comments, please write "Comments for the Interpretative Guidelines on Electronic Commerce and Information Property Trading" as the subject of your facsimile or email.

Related materials

▶ [Interpretative Guidelines on Electronic Commerce and Information Property Trading \(full text\) \(in Japanese\)](#) (PDF:2.674KB)



▶ [Outline of the Interpretative Guidelines on Electronic Commerce and Information Property Trading \(in Japanese\)](#) (PDF:1.155KB)



Link to related information

▶ [Promotion of electronic commerce \(in Japanese\)](#)

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