



15 June, 2018

Dear Minister Le Drian,

Recalling the Agreement between the European Union and Japan for an Economic Partnership (the Agreement), which includes a provision on the term of protection for copyright and related rights in the Parties, I have the honour to confirm the following understanding of Japan regarding the application of paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (the Treaty) in relation to Article 14.13 (Term of protection) of the Agreement:

- (i) The Government of Japan recognises and invites attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between Japan and the French Republic as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations (CMOs), the Government of Japan and

the Government of the French Republic encourage and welcome industry-led dialogue to be held between individual CMOs and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.

- (iii) The Government of Japan and the Government of the French Republic intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of Japan, that nothing in this letter is intended to affect the rights and obligations of Japan and the French Republic under paragraph (c) of Article 15 of the Treaty.

I would be grateful if you would confirm that this understanding is shared by your Government.

Sincerely,



Taro Kono
Minister for Foreign Affairs of Japan

His Excellency
Mr. Jean-Yves Le Drian
Minister of Europe and Foreign Affairs
The French Republic

Le Ministre

Paris, le 12.07.18 003295 CM

Monsieur le Ministre,

J'ai l'honneur de vous confirmer que la République française entend appliquer comme suit le paragraphe (c) de l'article 15 du Traité de paix avec le Japon signé à San Francisco le 8 septembre 1951 (ci-après dénommé le « Traité ») en rapport avec l'article 14.13 (Durée de la protection) de l'Accord entre l'Union européenne et le Japon pour un partenariat économique (ci-après dénommé l'« Accord »), comme énoncé dans votre lettre en date du 15 juin 2018 :

(i) Le Gouvernement de la République française reconnaît et appelle l'attention sur le fait que la durée de la protection des droits d'auteur et droits voisins qui doit être accordée au Japon, comme énoncé dans l'Accord à la date d'entrée en vigueur de celui-ci, excédera la durée de la protection accordée jusqu'ici au Japon, y compris tout ajustement résultant du paragraphe (c) de l'article 15 du Traité à l'égard des œuvres relevant dudit paragraphe.

(ii) En rapport avec le paragraphe (i), et reconnaissant l'importance que revêtent la perception et la répartition efficaces des droits d'auteur entre la République française et le Japon ainsi que les contraintes administratives susceptibles d'aller de pair avec le calcul de la durée des droits d'auteur conformément aux accords réciproques pertinents entre leurs sociétés de gestion collective homologues, le Gouvernement de la République française et le Gouvernement du Japon encouragent et accueillent favorablement le dialogue qui doit être mené à l'initiative du secteur entre les différentes sociétés de gestion collective et les détenteurs de droits intéressés en vue de traiter et de résoudre ces questions en conformité avec leurs textes constitutifs respectifs et avec la législation applicable.

(iii) Le Gouvernement de la République française et le Gouvernement du Japon ont l'intention de se réunir, en tant que de besoin, afin d'examiner l'état d'avancement du dialogue mentionné au paragraphe (ii) et de discuter d'autres mesures appropriées en rapport avec les questions qui font l'objet de la présente lettre.

Par ailleurs, j'ai l'honneur de vous confirmer, au nom du Gouvernement de la République française, qu'aucune disposition de la présente lettre n'a pour effet de porter atteinte aux droits et obligations qui découlent pour la République française et pour le Japon du paragraphe (c) de l'article 15 du Traité.

Je vous prie d'agréer, Monsieur le Ministre, l'expression de ma haute considération.

M. Le Drian

Jean-Yves LE DRIAN

Son Excellence
Monsieur Tarô KÔNO
Ministre des Affaires étrangères du Japon

Date

His Excellency Mr. Taro Kono
Minister for Foreign Affairs of Japan

Excellency,

I have the honour to confirm the following understanding of the French Republic regarding the application of paragraph (c) of Article 15 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951 (the Treaty) in relation to Article 14.13 (Term of protection) of the Agreement between the European Union and Japan for an Economic Partnership (the Agreement), as expressed in your letter of June 15th, 2018:

- (i) The Government of the French Republic recognises and invites attention to the fact that the term of protection for copyright and related rights to be provided in Japan, as provided for in the Agreement as of the date of the entry into force of the Agreement, will exceed the term of protection theretofore provided in Japan, including any adjustment portion provided pursuant to paragraph (c) of Article 15 of the Treaty with regard to the works covered by that paragraph.
- (ii) In connection with paragraph (i), and recognising the importance of efficient collection and distribution of royalties between the French Republic and Japan as well as administrative burdens that may be associated with the calculation of copyright term pursuant to relevant reciprocal agreements between their counterpart collective management organisations (CMOs), the Government of the French Republic and the Government of Japan encourage and welcome industry-led dialogue to be held between individual CMOs and affected rights holders with a view to addressing and resolving these matters in a manner consistent with their respective governing documents and applicable law.
- (iii) The Government of the French Republic and the Government of Japan intend to meet, as appropriate, to review the status of the dialogue referred to in paragraph (ii) and to discuss other appropriate steps in relation to the issues covered by this letter.

Additionally, I have the honour to confirm, on behalf of the Government of the French Republic, that nothing in this letter is intended to affect the rights and obligations of the French Republic and Japan under paragraph (c) of Article 15 of the Treaty.

Sincerely,



Jean-Yves Le Drian
Minister of Europe and Foreign Affairs
The French Republic