

WORLD TRADE ORGANIZATION

RESTRICTED

IP/N/4/JPN/1

29 February 1996

(96-0746)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION UNDER ARTICLE 4(d) OF THE AGREEMENT

Japan

The following communication, dated 20 February 1996, has been received from the Permanent Mission of Japan.

In accordance with Article 4(d) of the TRIPS Agreement, the Government of Japan notifies the Council for TRIPS, as annexed, of the provisions of Article 15(c) of the Treaty of Peace with Japan, which entered into force on 28 April 1952.

Article 15(c) of the Treaty of Peace with Japan provides, *inter alia*, that the period from 7 December 1941 until the coming into force of the Treaty between Japan and the Allied Power concerned, shall be excluded from the running of the normal term of the literary and artistic property rights which existed in Japan on 6 December 1941, in respect to the published and unpublished works of the Allied Powers and their nationals, and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

./.

ANNEX

**Treaty of Peace with Japan
(signed at the City of San Francisco, 8 September 1951,
and entered into force on 28 April 1952)**

Article 15

(c)(i) Japan acknowledges that the literary and artistic property rights which existed in Japan on 6 December 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from 7 December 1941 until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.