

## Copyright Regulations of the Japan Society of Civil Engineers

(Established September 26, 2014)

(Partially amended March 10, 2023)

### Purpose

#### Article 1

These Regulations herein address basic matters related to the treatment of copyrights of members and contributors (hereinafter collectively referred to as "**Members, etc.**") for works contributed to the Japan Society of Civil Engineers (hereinafter referred to as the "**Society**").

### Definitions

#### Article 2

For the purpose of these Regulations, the terms set forth in each item below shall have the following meanings:

(1) **Work(s)** means works provided for in Article 2, paragraph (1), item (i) of the Copyright Act, which fall under any of the following:

[1] Publications published by the Society (standards, specifications, guidelines, instructions, etc.);

[2] Articles, commentaries, etc. contributed to publications of the Society;

[3] Research reports contributed to the Society;

[4] Preliminary reports and manuscripts of proceedings of national conventions, seminars, symposiums, international conferences sponsored or co-sponsored by the Society, etc.;

[5] Articles, commentaries, etc. published on the Society's website; or

[6] Any other works of similar nature to [1] to [5] above which are designated as Works by the Society.

(2) **Author(s)** means Members, etc. who are authors within the meaning of Article 2, paragraph (1), item (ii) of the Copyright Act.

(3) **Copyright(s)** means copyright(s) to the Work(s) and includes all the rights provided for in Article 21 (Right of Reproduction), Article 22 (Stage Performance Rights and Musical Performance Rights), Article 22-2 (Right of On-Screen Presentation), Article 23 (Right to Transmit to the Public), Article 24 (Recitation Rights), Article 25 (Exhibition Rights), Article 26 (Distribution Rights), Article 26-2 (Right of Transfer), Article 26-3 (Right to Rent Out), Article 27 (Translation Rights, Adaptation Rights, and Other Rights), and Article 28 (Rights of the Original Author in Connection with the Exploitation of a Derivative Work) of the Copyright Act.

(4) **Moral Rights** means moral rights of an author in the Work(s) and includes all rights provided for in Article 18 (Right to Make a Work Public), Article 19 (Right of Attribution), and Article 20 (Right to Integrity) of the Copyright Act.

#### Attribution of Copyright

##### Article 3

(1) All Copyrights shall belong to the Society.

(2) Copyrights shall be deemed to be assigned to the Society at the time an Author contributes Work(s) to the Society and submits a specified release form. The format of the release form shall be determined separately for each committee (hereinafter referred to as "**Relevant Committee**") as set forth in Article 4 of the Publication Regulations. Electronic release forms are also valid.

(3) If treatment of the Copyright as provided in the preceding two paragraphs is not possible due to Author's special circumstances, the Author shall notify the Society by a written statement at the time the work is contributed to the Society, and the treatment of the Copyright in such case shall be determined through mutual consultation between the Society and the Author. In case of the secondary publication article, a separate provision also applies.

(4) Even in a case as set forth in the preceding paragraph, the Author shall grant licenses to the Society, without any consideration, for the exclusive right (including the right of sublicense by the Society, whether with or without consideration) to use the Copyright (including reproduction, publication, transmission, distribution, transfer, rental, translation, adaptation, and exploitation of derivative works) a

contributed Work within and outside of Japan to the extent permitted by law and the Author's special circumstances under the preceding paragraph; provided, however, that the Society shall clearly indicate the source when making secondary use of a contributed Work.

(5) In the event that the Society decides not to publish a contributed Work in the publications of the Society for which a specified release form has been submitted (regarding the Work(s) as set forth in Article 2, paragraph (1), item [4] of these Regulations, in the event that the national convention, seminar, symposium, international conference, etc. is canceled), the Society shall return the Copyright of the Work to the Author.

## Non-exercise of Moral Rights

### Article 4

(1) The Author shall not exercise any Moral Rights against any parties authorized by the Society in the following events set forth in each item below:

[1] Modification of the Work in accompaniment with a change in distribution or storage method of the publication, etc.; or

[2] Modification of the Work in accompaniment with the use of a summary or an excerpt of the Work.

The Society shall take sufficient care to ensure that the honor of the Author is not harmed as a result of a modification as set forth in each item of this paragraph.

(2) The preceding paragraph shall also apply in the event that the Society and any third party to which the Society has licensed the Work has created any derivative works based on the Work contributed to the Society.

## Use of Work by Author

### Article 5

(1) If the Author wishes to use his/her Work (including licensing to any third party), the Author shall file an application and obtain a license from the Society. The application and licensing procedure shall be determined separately for each Relevant Committee.

(2) The Society shall approve the application of the Author provided for in the preceding paragraph, unless the use of the relevant Work is inconsistent with the purpose and objectives of the Society's activities.

(3) Notwithstanding paragraph 1, the Author may use the Work without a license from the Society in the following events set forth in each item below. If the Author is to use the Work as provided for in this paragraph (3), the Author shall notify the Society in advance, and shall specify sources and clearly indicate that the Copyright in the Work is owned by the Society.

[1] If the Author compiles a collection of his/her articles; or

[2] If the Author uses a part or an excerpt of his/her article in his/her Work.

[3] If the Author translates his/her article to another language, and uses the translated article as the secondary publication which is the same in content as the primary publication. The secondary publication must clearly indicate the name and volume of magazine in which the primary publication is published, pages of the magazine in which the primary publication appears, the publication year and title of the primary publication, and that the translation is a secondary publication of the original article.

(4) Notwithstanding paragraph (1), the Author may use a Work without licensing by the Society in the following events set forth in each item below. If the Author is to use a Work as provided for in this paragraph (4), the Author shall specify sources and clearly indicate that the Copyright in the Work is owned by the Society.

[1] If the Author publishes the Work, which he/she has created, on the Author's personal website or the website of a corporation or organization to which the Author belongs (including storage and publication in an institutional repository);

[2] Use as permitted under Article 30 through Article 50 (Limitations of Copyright) of the Copyright Act;

[3] Use as reference material for a seminar or lecture at which the Author himself/herself is a lecturer;

[4] Use as reference material for a conference or meeting attended by the Author himself/herself; or

[5] If the Author uses his/her Work in his/her own academic dissertation.

Guarantee by the Author, etc.

#### Article 6

The Author guarantees the following:

[1] The Work does not infringe upon the copyright, patent right, utility model right, design right, trademark right, domain name, and any other intellectual property rights as well as such intellectual property rights as the rights of application and registration thereof, and any other rights;

[2] If a Work was jointly authored, consent of all the co-authors was obtained at the time of contributing the same to the Society;

The Author shall specify the sources, when the Author cites works of any third parties in a Work.

No Double Assignment

#### Article 7

The Author shall not assign any Copyrights in any Work to any third party other than the Society or grant any license thereto (including establishment of publication rights).

Cooperation in Dispute Resolution

#### Article 8

If any dispute arises or might arise in relation to any Work, including, without limitation, infringement of a Work by a third party or infringement of a third party's rights by a Work, the Author and the Society shall address the dispute in cooperation with each other.

Japanese law shall govern the formation, validity and interpretation of these Regulations. The Tokyo District Court of Japan shall be the exclusive court of first instance for any disputes arising between the Society and the Author in connection with the Society's services or the Works.

## Consultation

### Article 9

If any doubt arises about any matters not set forth herein, or the interpretation of any provisions set forth herein, the Author and the Society shall engage in mutual good faith consultation to resolve the same.

## Amendments to these Regulations

### Article 10

Any amendments to these Regulations shall be made by the administrative board of the Society.

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## Supplementary Provision

(As decided by the administrative board on September 26, 2014)

The Regulations herein shall come into effect as of September 26, 2014.

## Supplementary Provision

(As decided by the administrative board on March 10, 2023)

The amended Regulations herein shall come into effect as of March 10, 2023.