

Client Alert

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Amendment to the Radio Act: Removal of "Giteki-Mark" requirement for experimental use of foreign certified terminal devices

On May 10, a bill to amend the Radio Act, which aims to make experimental use of foreign manufactured terminal devices easier, has passed the national diet of Japan. The amendments will be published on the Japanese government's official gazette and will come into force within one year from the publication.

Background of the Amendment

Under the current Radio Act, devices that emit certain radio wave (such as Wi-Fi or Bluetooth devices) need to satisfy the following requirements to be used in Japan:

- (a) the device must be certified to comply with Japanese technical standards under the Radio Act, and a certification mark (called **Giteki-Mark** in practice) must be affixed to the device; or
- (b) a radio license under the Radio Act must be obtained.

Due to these requirements, any Wi-Fi or Bluetooth devices sold outside Japan and not certified in Japan cannot be brought into Japan even on a pilot basis under the current Radio Act. This sometimes caused problems to companies who would like to test their newly-developed Wi-Fi devices for experimental purposes in Japan.

As an exception to the requirements above, the Radio Act stipulated that those who enter into Japan from abroad (typically, tourists visiting Japan) may use devices that were physically purchased overseas for 90 days in Japan, even if it does not meet Japanese technical standards. However, essentially, this exception is applicable only to tourists. Another exception for these requirements is the use of mobile phones used under the international roaming services provided by Japanese telecommunication carriers, but this exception does not apply to the use of Wi-Fi or Bluetooth devices.

What will change?

After the amendment to the Radio Act this time, it would become easier for companies to use Wi-Fi or Bluetooth devices that are not yet certified in Japan for experimental purpose.

Under the amended Radio Act, anyone can use radio wave emitting devices that are not yet certified in Japan for testing purposes for maximum 180 days by submitting a notification in advance to the Minister of Internal Affairs and Communications ("MIAC") so long as it meets technical standards designated by the MIAC. Although the details of the technical standards have not been determined, by way of example, Wi-Fi devices satisfying the



standards of either the U.S. Federal Communications Commission (FCC) or CE in Europe, as well as the Wi-Fi Alliance, are likely to be considered to meet the above technical standards.

This will make it easier for manufacturers, distributors or other relevant stakeholders to prepare for deployment of the radio-emitting device using Wi-Fi or Bluetooth in Japan, such as:

- trial use of wearable devices in Japan using Wi-Fi or Bluetooth that are sold only in a foreign market; or
- operational suitability test of connected cars or other types of products that have telecommunication functions in Japan.

**For further information
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Contents of Notification

The details of the notification required for the experimental use will be determined by implementation regulations of the MIAC, but it would need to include: (i) name and address of the person who submits the notification, and in the case of a juridical person, the name of its representative; (ii) purposes of the experiments; (iii) specifications of the radio equipment; (iv) location of installation of the radio equipment (in the case of a mobile device, area in which the device will be used); and (v) scheduled starting date of operation.



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