

IEICE Provisions on Copyright

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Aims

Article 1 These provisions aim to lay down the handling of copyright on edited works, database works and individual works owned by the Institute of Electronics, Information and Communication Engineers (IEICE).

Terms

Article 2 Terms used in these provisions shall be defined as follows:

1. copyright – includes all rights stipulated in Articles 21 through 28 of the Copyright Law;
2. work – refers to a creative expression of thought or emotion, covering the arts, scholarship, fine art and music;
3. author – one who creates works.

Hereinafter, works for which the IEICE holds the copyright shall be referred to as “IEICE works.”

Copyright Jurisdiction

Article 3 As a rule, the copyrights for edited works, database works and individual works

of the IEICE belong to the IEICE.

2. In cases where the principle of the preceding paragraph cannot be observed on account of extraordinary circumstances, the author shall inform the IEICE accordingly when submitting or contributing his/her article.

Assignment of Copyright

Article 4 The assignment of copyright from an author to the IEICE shall be effective from the time the work, having been submitted or contributed, is received by the IEICE, the author having read and understood the IEICE's Provisions on Copyright, entered the necessary information on the deed of copyright assignment, and enclosed said deed with the work.

2. In the case that a work for which the IEICE had formerly received a deed of copyright assignment becomes unable to be published in the IEICE Transactions, etc, the IEICE shall return any copyrights they hold at that time on the work concerned.

3. The assignment of copyright on edited and database works from an author to the IEICE shall take effect from the time the deed of assignment is received by the IEICE, the author of the edited and database works having read and understood the IEICE's Provisions on Copyright, as set down in these regulations, entered the necessary information, and signed the deed of copyright assignment.

Use of IEICE Works

Article 5 Use by an author of his/her own work in part or entirety for personal purposes within the bounds of Article 30 of the Copyright Law does not require the permission of the IEICE.

2. An author does not require the permission of the IEICE to use his/her own work for non-personal purposes, provided said purposes are not commercial and do not unfairly infringe on the IEICE's interests. If the work is to be used for commercial purposes, the author must, in principle, receive prior permission from the IEICE using the application form for permission to use

IEICE works, provided separately.

3. In such case as a third party individual or corporation other than the author wishes to use IEICE edited works, database works or individual works in part or entirety, said third party must seek prior permission from the IEICE by way of the application form for permission to use IEICE works, provided separately. At such time, permission shall only be granted in such cases the IEICE deems to be appropriate.

4. When using IEICE works, the source must be clearly indicated.

Responsibilities of the Author

Article 6 Concerning the contents of IEICE works, the author shall take responsibility for the portions of the work he/she was involved in creating.

2. In cases when IEICE works are sued by another party for infringement of copyright, a dispute has arisen over the said work or a dispute has arisen over damage to the reputation of another party, the author shall, in principle, take responsibility and deal with the portions he/she has been involved in creating.

Prevention of Copyright Infringement

Article 7 In the case that a third party infringes upon (or is suspected to have infringed upon) IEICE works, the IEICE and the author shall contact each other, discuss how to handle the issue and work toward a solution.

Exceptional Measures

Article 8 When calling for papers, etc, in the context of an activity co-sponsored by the IEICE and another academic institution, where separate arrangements exist with the other academic institution, said arrangements may be given priority over the present regulations. Notwithstanding, when unable to apply the principle set forth in Article 3, Paragraph 1 – namely, in cases of agreement that the copyright does not belong to the IEICE because of ensuring constant copyright management, for instance – prior deliberations shall be held with the Copyright Management Committee.

Handling of already-published Works

Article 9 These regulations shall be applied mutatis mutandis to works whose copyrights were held by IEICE from before these regulations were put into effect, unless a separate proposal is made by the author and the IEICE deems the author to have good reason for said proposal.

Supplementary Provisions

1. Any items relating to copyright and not stipulated in these provisions shall be governed by and construed under the Copyright Law of Japan.

2. In the present regulations, copyright refers to the following rights:

Reproduction rights (Article 21)	Presentation and performance rights (Article 22)	Screening rights (Article 22-2)
Public transmission rights (Article 23)	Dictation rights (Article 24)	Exhibition right (Article 25)
Distribution rights (Article 26)	Assignment rights (Article 26-2)	Rental rights (Article 26-3)
Translation rights, adaptation rights (Article 27)	Rights of the original author to the use of secondary works (Article 28)	

3. Handling of the aforementioned copyrights shall be governed by the IEICE Charter on Ethics.

4. IEICE works shall include the following:

- * The Journal of the IEICE, The IEICE Transactions of the various Societies
- * The IEICE Transactions (Japanese Edition), The IEICE Transactions (English Edition)
- * Conference Proceedings (from the General Conference, Society conferences,

international conferences, etc)

- * reports on technical research, etc. (The copyright on workshop materials of types 2 and 3 shall belong to the author (Internal Regulations on Workshop Administration))
- * various handbooks, etc
- * textbooks, hardcover books
- * collected papers from symposia, etc
- * Other materials provided to members in general, at charge or for free
- * any of the above materials in the form of DVD, CD-ROM or other electronic media, or websites
- * websites and other publicly transmitted materials, etc
- * content provided on websites, etc

5. Any detailed regulations necessary to implement the present regulations shall be laid down in the respective related provisions.

6. Any revisions to the present provisions are subject to the approval of the Board of Directors.

7. The present regulations were approved and enacted by the Board of Directors on 24 February 2003.

8. These provisions shall be executed on 1 April 2003.

Supplementary Provision

1. The revisions of 27 October 2015 shall be applied from 27 October 2015.

Explanation of IEICE Provisions on Copyright

1 Glossary

Assignment of copyrights: Upon submission or contribution by authors to the IEICE Journal, academic journals or other publications, as a rule it is determined that copyrights shall be assigned to the IEICE. The IEICE, however, operates in accordance with the thinking of “taking custody of author copyrights.” Namely, respect is shown in the use of rights originally held by authors, with consideration taken to avoid inconveniencing authors as a result of copyright assignment. The primary two objectives of copyright transfer are listed below.

① To lighten the burden of authors by having IEICE execute the paperwork for works use authorization requests received from third parties.

② To promote mutual use by members of information and other aspects of presented papers as one phase of the “research and knowledge exchanges” pursuant to Article 3 of the articles of association. The following types of uses shall also become possible subsequent to publication by submission or contribution.

* English translation of Japanese papers for presentation overseas

* Issuing of selected papers (special issues, etc.) in specific fields

* Supply through posting on websites and other wide-ranging use formats through digitization of copyrighted works

Edited work: Refers to a work demonstrating creativity in terms of arrangement and selection of individual papers and articles, for example in a magazine or encyclopedia that is not searchable using computers (written on paper). Supplementary Provision 4 shows examples of representative edited works of the IEICE.

Database work: Refers to a work demonstrating creativity in terms of arrangement and selection of individual papers and articles, for example in a magazine or encyclopedia that is searchable using computers. (Article 2, Paragraph 1, Number 3 of Item 10, Article 12, Item 2).

Supplementary Provision 4 shows examples of representative database works of the IEICE.

Individual work: Refers, for example, to a single article in a magazine. Specific examples are the individual papers in a Journal.

Personal and non-personal use objectives:

Personal use: (1) Use by an individual; (2) Use within a family; (3) Use within a scope equivalent to a family group (relatives, close friends, etc.)

Non-personal use: Use outside of those described above (Copyright Law; Article 30) requires authorization from the copyright holder.

In the IEICE, as a rule authors are permitted to use their own work for non-profit purposes without requesting IEICE permission, provided the said purposes do not unfairly infringe on the IEICE’s interests and on the premise that the authors clearly indicate their sources, provide proprietary rights notice and take other proper steps.

Table 1 shows the classification of personal and non-personal use defined by the IEICE.

Table 1: Classification of personal and non-personal use as defined by the IEICE

Personal use (Copyright Law; Article 30)		Use by an individual, within a family, or within a scope equivalent to a family group	Authorization application not required
Non-personal use	Non-profit purposes(*2)	Copying one’s own paper (part) in another society’s journal, etc. Use or distribution of one’s own paper (all or part) as educational materials for a school (Note: large-volume usage or distribution requires authorization application) (*7)	Authorization application not required (source must be clearly indicated)(Source and copyright details must be clearly indicated) (*4, *5, *6)

	For profit(*3)	Publication / translation, copying, distribution, or disclosure as a commercial enterprise	Authorization application required (source must be clearly indicated)(*5, *6)
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(*1) Material issued in electronic form (DVD, CD-ROM, Internet, etc.) is dealt with differently depending on the type of publication. For details, refer to Table 3 (“Standards for requesting the use of works published in the IEICE Publications”), “2. Standard for requesting the use of authored works”, and “Copyright FAQ”.

(*2) **Non-profit purposes:** Fulfills the requirements of being “free” and “uncompensated.”

(*3) **For profit:** Uses other than those described in (*2) above. As a rule, the IEICE regards all forms of use connected with business activities as being for profit.

(*4) For the convenience of authors using their own work for non-profit purposes, the IEICE does not require requests to be submitted as long as the use of such work does not infringe unfairly on the IEICE’s interests.

(*5) **Indication of source:** For example, includes the author’s name, name of the work (title), name of publication (publisher’s name), volume, issue, page, and date of publication. (Copyright Law; Article 48)

Even if the source is referenced in a bibliography, if the specific location of the quote in the original text cannot be identified, the quote is not considered legal.

(*6) **Copyright should be indicated in a form such as:** “*Copyright ©2012 IEICE*”

(*7) **Large-volume:** Defined as being in excess of 50 people according to the “Introduction to Copyright Law” compiled by the Japanese Agency for Cultural Affairs.

Reproduction: “Reproduction” means the reproduction in a tangible form by means of printing, photography, polygraphy, sound or visual recording or otherwise” (Copyright Law, Article 2, Paragraph 1–15). This includes works recognized as being within the

scope of uniformity with the copyrighted work, even if some degree of modification, addition, or deletion has taken place during the reproduction.

Refer to comments below regarding reprinting or quotations accompanying reproduction.

Reprinting: Copyright holder's authorization is required.

Quotation: "It shall be permissible to make quotations from a work already made public, provided that their making is compatible with fair practice and their extent does not exceed that justified by purposes such as news reporting, criticism or research" (Copyright Law; Article 32).

If the necessary conditions have been satisfied, the copyright holder's authorization is not required.

Necessary Conditions for Quotation (5) Refers to respect for personal rights not transferred through assignment procedures, and exercising of proper manners toward authors.

(1)	Purpose of quotation: news reporting, criticism, and research have been listed as examples, but this is not an exclusive list. For example, introducing a similar opinion to reinforce one's own statement would be considered a justifiable quotation.
(2)	Clear segmentation: It must be possible to clearly differentiate between the quotation and the quoting writer's own words, for example by using parentheses around the quoted segment.
(3)	Principal / accessory relationship: The quoting writer's own copyrighted work shall be the principal work, and the quoted copyrighted work of another person shall be considered an accessory work.
(4)	Necessity and minimum extent: Necessity for quoting from another person's copyrighted work in one's own is required, and the quoted volume must be kept to the minimum extent necessary.
(5)	Consideration for personal rights: When quoting from another person's copyrighted work, the quoting party shall not infringe on the personal rights of the author (e.g., alteration of the content in such a way as to damage the author's reputation).

Copyright holder authorization for use shall be required when exceeding the scope of quotations.

Cautions regarding quotations:

When one wishes to use a figure or table printed in another publication (including third-party publications of the copyrighted work in question) in one’s own paper (with modifications), that material may be used without authorization by the copyright holder if such usage is within the scope of a quotation, and if the source is clearly indicated in a footnote to the figure or table. When such usage exceeds the scope of a quotation, the author is requested to obtain the authorization of the copyright holder for that figure or table.

Public transmission: Refers to wireless or wired transmissions for the purpose of direct reception by the public. (E.g., transmissions to unspecified or large numbers of recipients via broadcast, FAX, Internet, or intranet. Ref. Table 2.)

Table 2: Public Transmission Category Examples

Public transmission*Includes “rights of making transmittable”*†In the case of programs only, includes transmissions within the same premises		
	Wireless systems	Wired systems
Broadcast systems	Broadcasts Ground wave broadcasts BS/CS broadcasts, etc.	Cable broadcasts Cable music broadcasts Cable TV, etc.
Communication systems	Music used in mobile phones Game programs Distribution of book data, etc.	Internet PC communications Databases, etc.

(Source: Sakka, Fumio: “Shoukai – Chosakuken-hou [Copyright Law – a detailed explanation]” (2nd Edition); Gyosei Corp.; Table 2 on P. 255)

 **2. Standard for requesting use of IEICE works**

[Table 3](#) shows the standards for requesting use of copyrighted articles etc. published in IEICE works in cases where they will be used by the author himself (or herself), by the organization to which the author belongs, or by a third party other than the author or the organization to which the author belongs. In Table 3, it is presumed that (i) the articles will be used after the date of publication, except for the case of the existence of early publication version PDF, (ii) that they will not be used for profit, and (iii) that their use will not unfairly infringe on the IEICE's interests. Requests must be submitted in all cases where articles will be used for profit or by a third party other than the author or the organization to which the author belongs, or for profit. Decisions on whether or not to permit for-profit use will be made by the copyright administration committee. As a rule, no use of articles will be permitted prior to publication.

Requests for use are also unnecessary when articles are used within the scope defined by the Copyright Law (Article 30 (copying for personal use), Article 32 (quotations), Article 35 (copying at educational establishments), etc.).

The electronic use of Technical Reports (type 1 workshop) is still under consideration. As before, therefore, even authors are requested to refrain from posting their own papers (in their entirety) on their own websites, the websites of their affiliated institutions or other electronic media. Bibliographic details and abstracts may be posted, but permission must be obtained first.

However, in cases where the IEICE Journal and conference proceedings are purchased on DVD or CD-ROM for corporate use and the enclosed "consent form" is remitted to the IEICE Headquarter Office, it is permitted to use the articles on local PCs within the purchasing organization and to browse them by means of file sharing over a network (LAN).

For specific examples, refer to the [Copyright FAQ](#). If you have any difficulties reaching a decision for a particular case, please first submit an application form for permission to use the work to the IEICE.

3 Cautions regarding contracts related to secondary usage (translations, etc.)

As a rule, the following policies apply to contracts for secondary usage of IEICE works (translation, etc.).

<p>(1)</p>	<p>As a rule, academic journals and other publications shall not be translated and published. In cases of consigned publication, rights shall be granted non-exclusively.</p> <table border="1" data-bbox="352 551 1422 712"><tr><td data-bbox="352 551 384 712">*</td><td data-bbox="384 551 1422 712">Even in the case of papers and other articles translated and published by a translation/publishing company, the IEICE shall retain the right to translate or publish the said papers freely.</td></tr></table>	*	Even in the case of papers and other articles translated and published by a translation/publishing company, the IEICE shall retain the right to translate or publish the said papers freely.
*	Even in the case of papers and other articles translated and published by a translation/publishing company, the IEICE shall retain the right to translate or publish the said papers freely.		
<p>(2)</p>	<p>The licensing fee, scope of rights responsibilities and term of contract validity must be clearly indicated.</p>		
<p>(3)</p>	<p>In the case of contracts with overseas parties, in the future, it will be preferable to create English versions and Japanese versions of the contract, and have both parties affix signatures or seals to both versions.</p>		
<p>(4)</p>	<p>Regarding contracts related to the electronic usage (DVD, CD-ROM, Internet, etc.) of IEICE works, efforts shall be made to clarify those usage methods, scope of contracts and related issues.</p>		

Table 3 : Standards for requesting the use of copyrighted articles etc. published in the IEICE Publications

(Effective as of March 1, 2016)

[Principle] Other than in cases permitted under the Japanese Copyright Act,(*1) you must apply for permission to use any work copyrighted by the IEICE. The decision to grant or deny permission is made by the IEICE Copyright Management Committee.

[Exceptions] In cases listed in the following table, you do not need to apply for permission to use a work as long as it is to be used for non-profit purposes and in a manner that does not violate the interests of the IEICE, and all the conditions in the table are met.

Example	Applicant	Scope of use	Medium of use	Written application to IEICE	For the IEICE Transactions Japanese and English edition (*6)		For the Journal of the IEICE, Technical Reports, Proceedings of the IEICE General / Society Conference, etc. (*6) (*7)	
					Period in which use is possible	Conditions of use	Period in which use is possible	Conditions of use
1	Author	Own paper, full text	Author's own personal server , server of an organization to which the author belongs (*2) or electronic media such as DVDs	Not required if the conditions on the right are satisfied (*3)	After publication (*4)	A,B,C,E	After publication	A,B,C
2			Printed version/PDF file purchased as offprint (*8)					
3		Own paper, partial text (figures, etc.)	Author's own personal server , server of an organization to which the author belongs (*2) or electronic media such as DVDs		After publication (*5)	A,C	After publication (*5)	A,C
4			Printed version/PDF file purchased as offprint (*8)					
5	Organization to which the author belongs	Author's paper, full text	The organization's server (*2) or electronic media such as DVDs	Not required if the conditions on the right are satisfied	After publication (*4)	A,B,C,D,E	After publication	A,B,C,D
6			Printed version					
7		Author's paper, partial text (figures, etc.)	The organization's server (*2) or electronic media such as DVDs		After publication (*4)	A,C,D	After publication	A,C,D
8			Printed version					

Condition A: Indication of copyright (e.g. "Copyright ©2013 IEICE")

Condition D: Author's consent

Condition B: Publication of publisher's version PDF (including those made by scanning paper copies), or advance publication version PDF (*10). However, advance publication version must be replaced when publisher's version is published. Publication of author's final version (*11) is not allowed.

Condition E: Link to IEICE Transactions Online top page

Condition C: Indication of source (e.g., authors' name, document title, name of journal, volume/issue/page number, publication date, etc.)

*1: Article 30 (Duplication for private use), Article 32 (Quotations), Article 35 (Duplication in schools and other educational institutions), etc.

*2: Server of individual author: A server to or from which the author can upload or delete material without another's permission (e.g., a blog or the server of a university department, preprint server).

Server of affiliated institution: A public website wholly managed and administered by the institution as an organization (e.g., an institutional repository).

*3: In examples 1-4, when a paper has joint authorship, the authors are requested to communicate with each other to avoid problems after the article has been used.

*4: In the case of advance publication version PDF(*10), from advance publication until publication of publisher's version.

*5: In examples 3 and 4, permission may sometimes be granted before publication.

*6: Including "IEICE Electronics Express," "Nonlinear Theory and its Applications, IEICE," "IEICE Communications Express."

*7: We publish the Journal of the IEICE and Proceedings of the IEICE Society / General Conference by DVD or by CD-ROM for institutional subscriber. When an institutional subscriber purchases it and sends the enclosed "Consent Form" to the IEICE Headquarters Office, members of the institute can browse the contents on a local area network or by file-sharing on the LAN of the institute.

*8: The content of papers for which the IEICE holds the copyright appearing in Technical reports , Conference and International Conference Proceedings may,without permission,be translated or adapted for submission to other international conferences and transactions,provided that the source is clearly indicated and notice of copyright is provided.

*9: For the time being, a PDF file obtained by paying the cost of publication in the Transactions, or a printout thereof, may be sent directory by the author to a third party, as long as it is for research or educational (noncommercial) purposes.Such files may not be sent to others by anyone except the author.

*10: Advance publication version PDF means a PDF of a manuscript selected and included, to which minimum level of alteration has been performed by IEICE, just sufficient to indicate that the version is an early publication version.

*11: Author's final version means the manuscript itself that has been selected and included, and that was submitted by the author to IEICE.

※Above provisions shall only be effective to IEICE. The authors shall follow the provisions of respective Institute when they submit their article mentioned in *8.