

Designation of Unfair Trade Practices

(Fair Trade Commission Public Notice No. 15 of June 18, 1982)

Pursuant to the provisions of **Article 2 (9) (vi)** of Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), Unfair Trade Practices (Fair Trade Commission Public Notice No. 15 of 1982) shall be **partly** revised as follows and shall come into force as from **January, 2010**.

(Concerted Refusal to Trade)

(1) Without justifiable grounds, any act listed in any of the following items concertedly with another entrepreneur who is in a competitive relationship with oneself (hereinafter referred to as a "competitor"):

(i) Refusing to **receive supplies of goods or services from a certain entrepreneur or restricting the quantity or substance of goods or services supplied by a certain entrepreneur**; or

(ii) Causing another entrepreneur to **refuse to receive supplies of goods or services from a certain entrepreneur, or to restrict the quantity or substance of goods or services supplied by a certain entrepreneur**

(Other Refusal to Trade)

(2) Unjustly refusing to trade, or restricting the quantity or substance of goods or services pertaining to trade with a certain entrepreneur, or causing another entrepreneur to undertake any act that falls under one of these categories.

(Discriminatory Consideration)

(3) **In addition to any act falling under the provisions of Article 2 (9) () of Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947, hereinafter referred to as "the Act")**, unjustly supplying or accepting goods or services for a consideration which discriminates between regions or between parties.

(Discriminatory Treatment on Trade Terms, etc.)

(4) Unjustly affording favorable or unfavorable treatment to a certain entrepreneur in regard to the terms or execution of a trade.

(Discriminatory Treatment, etc. in a Trade association)

(5) Unjustly excluding a specific entrepreneur from a trade association or from a concerted activity, or unjustly discriminating against a specific entrepreneur in a trade association or a concerted activity, thereby causing difficulties in the

business activities of the said entrepreneur.

(Unjust Low Price Sales)

(6) **In addition to any act falling under the provisions of Article 2 (9) () of the Act,** unjustly supplying goods or services for a low consideration, thereby tending to cause difficulties to the business activities of other entrepreneurs.

(Unjust High Price Purchasing)

(7) Unjustly purchasing goods or services for a high consideration, thereby tending to cause difficulties to the business activities of other entrepreneurs.

(Deceptive Customer Inducement)

(8) Unjustly inducing customers of a competitor to trade with oneself by causing them to misunderstand that the substance of goods or services supplied by oneself, or its trade terms, or other matters relevant to such trade are much better or much more favorable than the actual ones or than those pertaining to the competitor.

(Customer Inducement by Unjust Benefits)

(9) Inducing customers of a competitor to trade with oneself by offering unjust benefits in light of normal business practices.

(Tie-in Sales, etc.)

(10) Unjustly causing another party to purchase goods or services from oneself or from an entrepreneur designated by oneself by tying it to the supply of other goods or services, or otherwise coercing the said party to trade with oneself or with an entrepreneur designated by oneself.

(Trading on Exclusive Terms)

(11) Unjustly trading with another party on condition that the said party shall not trade with a competitor, thereby tending to reduce trading opportunities for the said competitor.

(Trading on Restrictive Terms)

(12) **In addition to** any act falling under **the provisions of Article 2 (9) () of the Act and the preceding paragraph,** trading with another party on conditions which unjustly restrict any trade between the said party and its other transacting party or other business activities of the said party.

(Tentative translation: only Japanese version is authentic)

(Unjust Interference with appointment of officer in one's transacting party)

(13) Causing a corporation which is one's transacting party to follow one's instruction in advance, or to get one's approval, regarding the appointment of officers of the said corporation (meaning those as defined by Article 2 (3) of the Act (The same shall apply hereinafter)) , unjustly in light of the normal business practices by making use of one's dominant bargaining position over the party.

(Interference with a Competitor's Transactions)

(14) Unjustly interfering with a transaction between another entrepreneur who is in a domestic competitive relationship with oneself or with the corporation of which one is a stockholder or an officer, and its transacting party, by preventing the effecting of a contract, or by inducing the breach of a contract, or by any other means whatsoever.

(Interference with Internal Operation of a competing company)

(15) Unjustly inducing, abetting, or coercing a stockholder or an officer of a corporation which is in a domestic competitive relationship with oneself or with a corporation of which one is a stockholder or an officer, to take an act disadvantageous to such corporation by the exercise of voting rights, transfer of stock, divulgence of secrets, or any other means whatsoever.