

Request for Public Comments on “Guidelines Concerning Abuse of a Superior Bargaining Position under the Antimonopoly Act on the Transactions between Digital Platform Operators and Consumers that Provide Personal Information, etc.” (draft)

August 29, 2019

Japan Fair Trade Commission

The Japan Fair Trade Commission (JFTC) has been clarifying the concepts of the regulation on abuse of a superior bargaining position, a type of unfair trade practices, and has been strictly combatting such conducts.

The “Fundamental Principles for Rule Making to Address the Rise of Platform Businesses Formulated” (published on December 18, 2018) has proposed that “the operation of the Antimonopoly Act and related institutions to ensure fair and free competition in digital markets will be considered, such as [...] the application of the rules about abuse of a superior bargaining position with respect to the relationship with consumers, who provide data related to themselves as a consideration for the services.” Based on this proposal, the JFTC has published the “Guidelines Concerning Abuse of a Superior Bargaining Position under the Antimonopoly Act on the Transactions between Digital Platform Operators and Consumers that Provide Personal Information, etc. (draft)” (hereinafter, “draft Guidelines”) to ensure the transparency and the predictability for digital platform operators by clarifying the concepts of the regulation on abuse of a superior bargaining position about acquiring or utilizing personal information, etc. between digital platform operators and consumers that provide them.

The JFTC has hereby concluded to request public comments on the attached draft Guidelines from various interested parties on it as below.

Also, the JFTC, as necessary, cooperates with the Personal Information Protection Commission to tackle abuse of a superior bargaining position regarding the transactions between digital platform operators and consumers that provide personal information, etc.

1. How to obtain related materials

Related materials are available at

- a. The e-Gov page of e-Government;

- b. The website of the JFTC; or
- c. The Head Office (Tokyo), Local Offices (Sapporo, Sendai, Nagoya, Osaka and Fukuoka) and Branches (Hiroshima and Takamatsu) of the JFTC and the Fair Trade Office of the Okinawa General Bureau, General Affairs Division, Cabinet Office (Naha).

2. How to submit comments

Please submit your comments in Japanese by either of the following methods, identifying your name, address, and contact information (telephone number, fax number, or e-mail address). If you submit as a corporation or an association, please identify the location of its main office, the name of a corporation or an association, and the name of a liaison person. Submitting a comment by phone cannot be accepted.

(a) Through the submission form on the e-Gov

Please submit your comments through the submission form on the e-Gov. (the webpage is only available in Japanese.)

(b) By e-mail:

The subject of the e-mail should be “Comments on the draft Guidelines

E-mail: dpfpc2019_at sign_jftc.go.jp

(Please replace “_at sign_” with “@”, when you send an e-mail.)

Note: Please submit your comments in text format. Please understand that we cannot accept comments by attached file or URL.

(c) By fax:

Clearly indicate “Staff for Public Comments, Inter-Enterprise Trade Division, Trade Practices Department, Economic Affairs Bureau” as the addressee, and write “Comments on the draft Guidelines as the subject of the fax cover sheet. Please note that comments sent without the addressee will not be accepted.

Fax number: +81-(0)3-3581-1800

(d) By postal mail:

Send to:

Staff for Public Comments

Inter-Enterprise Trade Division, Trade Practices Department, Economic Affairs Bureau,

Japan Fair Trade Commission

1-1-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8987 Japan

3. Due date

September 30th, 2019, no later than 6 p.m. (GMT+9)

4. Notes regarding the submission of comments

Submitted comments may be made public except for full name, affiliated group or company name, address, and contact information such as e-mail address, fax number and telephone number. Please note that individual responses will not be made to submitted comments.

The JFTC asks for your identification and contact information, for the communication purpose where any clarifications may be needed on your comments. The information provided will not be used for any other purposes.