

**Guidelines on Ensuring Fair Transactions between  
Performers, etc. and Talent Agencies, Broadcasting  
Companies, etc., and Record Companies  
[Key Points]**

Cabinet Secretariat

Japan Fair Trade Commission

# Background, etc. to the formulation of these Guidelines

## Grand Design and Action Plan for a New Form of Capitalism, 2024 Revised Edition (June 2024)

In the content industry, in light of the ongoing shift in emphasis to individual creativity, a fact-finding survey will be conducted with the cooperation of the Japan Fair Trade Commission into transaction practices, etc. in the fields of music and broadcast programs, with an emphasis on preventing the abuse of superior bargaining position, etc. and protecting individuals, and the survey will be completed by the end of this year. (Omitted)

Based on the results of this survey, we will aim to create Guidelines that indicate that any actions that go against the Guidelines may violate the Anti-Monopoly Act, with the aim of ensuring the fairness of contracts, etc. between performers and agencies.



## The fact-finding survey report was published (December 2024)

As a result of the fact-finding survey, an investigation was carried out of three types of transactions: (1) transactions between talent agencies and performers; (2) transactions between broadcasting companies or program production companies (hereinafter referred to as "broadcasting companies, etc.") and talent agencies/performers; and (3) transactions between record companies and talent agencies/performers. It was confirmed that some of these transactions involved conduct that could be problematic from the perspective of the Anti-Monopoly Act .



## Grand Design and Action Plan for a New Form of Capitalism, 2025 Revised Edition (June 2025)

Based on the fact-finding survey of transaction practices, etc. in the fields of music and broadcasting programs conducted in 2024, Guidelines will be formulated to clarify the approach, based on the Anti-Monopoly Act, with a view to ensuring the fairness of contracts, etc. between performers and agencies, and relevant ministries and agencies will work together to achieve broad awareness of these Guidelines .



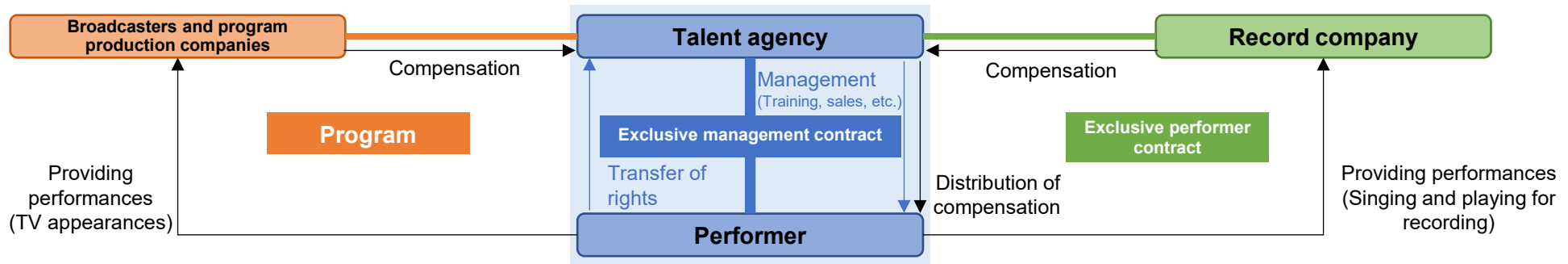
## Formulation of these Guidelines

- ◆ Based on the fact-finding survey report, these Guidelines are compiled as action guidelines on actions to be taken by talent agencies, broadcasting companies, etc., or record companies in transactions indicated in (1) to (3) above.

\*The guidelines also provide "Examples of actions that can serve as a reference for ensuring fair transactions" and "Examples of potentially problematic actions from the perspective of the Anti-Monopoly Act."

- ◆ The Cabinet Secretariat and the Japan Fair Trade Commission will strive for broad awareness of these Guidelines with the cooperation of relevant government ministries and agencies, trade associations, and other parties.

# Transactions and actions covered by these Guidelines



Transactions between performers and talent agencies	Period of exclusive obligation	<ul style="list-style-type: none"> <li>◆ Setting the contract period for exclusive obligation</li> <li>◆ Right to request extension of period</li> </ul>
	Non-competition obligations, etc.	<ul style="list-style-type: none"> <li>◆ Stipulation of non-competition obligations, etc.</li> </ul>
	Action to hinder transfer or independence	◆ Requests for performance in money related to transfer and independence
		◆ Hindering performers who wish to transfer or become independent
		◆ Hindering performers who have transferred or become independent
		◆ Transfer restrictions, etc. by joint action or trade associations, etc.
	Actions against performers' rights	◆ Licenses for various rights, etc. related to works
◆ Restrictions on use of stage names and group names		
Acts concerning the treatment of performers	<ul style="list-style-type: none"> <li>◆ Unilateral decisions regarding remuneration</li> <li>◆ Forced work</li> </ul>	
Actions that hinder contract transparency	◆ Not making contracts in writing and not fully explaining the contents of contracts	
	◆ Disclosure of the details of transactions relating to performances, etc. to performers	
	◆ Disclosure of details, etc. regarding performers' remuneration	
Transactions between broadcasting companies, etc. and talent agencies/performers	Transaction terms	<ul style="list-style-type: none"> <li>◆ Sufficient negotiation when requesting work, and clear indication of contract terms in writing, etc.</li> </ul>
Transactions between record companies and talent agencies/performers	Restrictions on activities after contract expiration	<ul style="list-style-type: none"> <li>◆ Stipulation of clauses prohibiting performance</li> <li>◆ No rerecording clauses</li> </ul>

## Future responses

- ◆ The Cabinet Secretariat and the Japan Fair Trade Commission will strive for broad awareness of these Guidelines with the cooperation of relevant government ministries and agencies, trade associations, and other parties.
- ◆ In cases where talent agencies, etc. engage in conduct that does not comply with the actions to be taken as set out in these Guidelines, and thereby pose a risk of impeding fair competition, etc., the Japan Fair Trade Commission will take strict measures in accordance with the Anti-Monopoly Act, etc.