

## Proposed Japanese Law Could Throw Downloaders in Jail



Don't copy that *Keroppi*. You might go to jail.

Unauthorized downloads of copyrighted material and creating backup copies of a DVD or Blu-ray disc [could soon carry criminal penalties in Japan](#) if proposed amendments to the nation's copyright code become law.

Violators could spend up to two years in prison or pay as much as two million yen (about \$25,400) in fines, CNET Japan said last week.

["Allowing illegal downloads to exist as they do now will harm the growth of the Internet,"](#) Lower House member Hakubun Shimomura said in support of strengthening the copyright law, as quoted by Internet Watch.

In the U.S., downloading pirated media is a civil offense, not criminal — you can be [sued for damages](#), but not locked up. Distributing copyrighted material without authorization can lead to criminal charges, but not downloading.

"The illegal flow of material is a problem, but rather than strengthening the penalties, we should bolster the deletion of illegally uploaded content," Lower House member Takeshi Miyamoto said in opposition of the proposed amendments. He was the only member to speak out against the matter on the House floor. The amendments were approved with support from three major political parties.

If approved by the upper house, the new law could be enforceable at the beginning of next year.

Downloading copyrighted material such as music, movies, or video games is already illegal in Japan thanks to a 2009 amendment to the law. However, that ban carries little weight due to a lack of penalties.

The situation is similar to [the 2009 ban of "majikon" devices](#) that allow users to play copied software on a Nintendo DS game machine. Without any punitive requirements, the devices remained widely available on street corners in Japanese electronic districts as well as on the web.

It was only after a 2011 amendment to that law that [an arrest was made](#): A 39-year-old man accused of selling majikon on the internet was arrested at the end of May. He allegedly sold the devices to three people between February 14 and March 9 of this year [for a combined 7,200 yen \(\\$91\)](#), according to the Aichi Prefectural Police Department, as reported by IT Media.

While the anti-download measure is an enhancement of existing prohibitions, a ban on copying or ripping discs to a hard drive would be brand new for Japan. The proposed would outlaw any software program or device that allowed users to circumvent encoded copyright protection on the disc, as well as the act of copying of said disc.

Media that does not include copy protection, such as most compact discs, would not be included in the ban.

Should these new amendments pass into law, it would be illegal in Japan to make any copies of any movies or games, illegal to upload the data, illegal to download the data, illegal to sell copies of the data and well as illegal to sell a device that enables playback of the copied data. All of these actions would carry stiff penalties.

*Image: Recording Industry Association of Japan*