

Japanese Society of Tribologists (JAST), General Incorporated Association
Guideline on Copyright

I. Policy and Request regarding the Transfer of Copyright

Since 1987, the Japanese Society of Tribologists, General Incorporated Association (the “Society” or “JAST”) has requested that the copyright pertaining to any and all works edited and issued by the Society, including those contained in the Journal of Japanese Society of Tribologists (Toraiborojisuto) and the Proceedings of JAST Tribology Conference, be transferred to the Society. Such request is not solely for the purpose of obtaining the rights necessary for the Society to edit and publish the work. It also signifies that the Society, together with the author, also will administer, supervise, and protect the rights pertaining to the work after the printing, publishing, or making it public. Therefore, your understanding is appreciated regarding the Society’s policy to affirmatively protect, together with the authors, works as cultural assets.

Furthermore, taking into consideration the recent digitization of media and spread of internet communication, any copyright pertaining to publications (including articles, papers, materials, educational materials, etc., that constitute the JAST Work (defined below)) published before 1987 which have not been transferred to us, shall be treated as owned by the Japanese Society of Tribologists for prevention of any abuse and protection of the copyright (as approved on February 24, 2006 by our board of directors). Your understanding and cooperation are appreciated.

1. The copyright (under Articles 21 through 28 of the Copyright Act¹) pertaining to any work such as an article, paper, etc., printed in academic journals, handbooks and the like which are edited and issued or made public by the Society (the “JAST Work”) shall be deemed to have been transferred to the Society upon acceptance of the final manuscript of such article, paper, etc., from the author (or all of the authors in case of a work of joint authorship) unless otherwise specified separately.
2. In cases where an application is made by a third party to exploit a JAST Work through a reprint, reproduction, or translation of a part or all of such JAST Work, the Society may accept the application if the Society deems it appropriate considering the purpose of such exploitation.
3. If any dispute arises or is likely to arise regarding a JAST Work, including cases involving an infringement of any right pertaining to a JAST Work by a third party, or an infringement of a third party’s right by a JAST Work, all of the relevant authors and the Society shall address such dispute through mutual cooperation.

II. Precautions and Request for Compliance with the Copyright Act upon Writing for the Society’s Publications

As you well understand, it is not unconditionally permissible to quote another person’s work. Instead, it is

¹ The translation of the provisions of the Copyright Act of Japan (Act No. 48 of 1970 as amended), is based on <https://www.cric.or.jp/english/clj/doc/20200310.pdf> and the Japanese Law Translation provided by the Ministry of Justice of Japan: <http://www.japaneselawtranslation.go.jp/law/detail/?id=3379&vm=04&re=01&new=1> . Note that these translations may not be updated to reflect the latest amendments. As to the latter, please refer to the disclaimer (“About Law Data”) at: http://www.japaneselawtranslation.go.jp/law/about_lawdata/?re=02 .

required by law that a work must be quoted in a manner consistent with fair practices and within a scope that is justified for the purpose of news reporting, critique, study, or other place in which the work is quoted (Article 32 of the Copyright Act).

While the right of the author pertaining to the work is legally protected under the Copyright Act, there are cases where a third party is allowed to freely exploit a work which has been made public by partially limiting the right conferred to the author. For instance, in case of quoting a work, such work may be freely exploited without obtaining the copyright owner's authorization, if such quotation is within the scope of a quotation as stipulated under the Copyright Act. Any quotation that exceeds such scope constitutes a reprint or reproduction, and thus the authorization of the copyright owner is required.

It is not always easy to discern whether a certain manner of exploitation of a written work constitutes a quotation or reprint/reproduction under the Copyright Act. However, there is a criteria of prima facie legitimacy, a so-called "relationship between main and subordinate," which is employed as a guide for quotations. For example, in cases where a person exploits another's work for the purpose of stressing his or her own view or bringing forward a counterargument to another view, and if the portion of his/her own writing constitutes the "main" part and the portion so quoted constitutes a "subordinate" part, it shall be considered to be within the scope of a quotation as stipulated under the Copyright Act. Also, a quotation is permissible only if it is necessary and indispensable for producing a work. In almost all cases of works in which the author's own independent writing is lacking, quotations therein shall be considered a reprint or reproduction regardless of the length of such quotation, and hence the authorization of the copyright owner shall be required therefor.

When you write an article for the Society's publications, please refer to the following:

1. Any article, paper and the like contributed to the Society shall not infringe a third party's copyright, patent right, utility model right or any other intellectual property right or any rights related to applications or registrations, etc., therefor.
2. In cases where an article, paper or the like contributed to the Society is a work of joint authorship, such contribution to the Society shall be made with the consent of all of the authors.
3. The author of a JAST Work shall not exercise any of the moral rights of the author (Articles 18 through 20 of the Copyright Act) against the Society or the printers, distributors and the like designated thereby regarding any act of alteration of such work to the extent necessary for the publishing process.
4. In cases where an author writes a JAST Work by using a quotation, reprint, reproduction or translation of another work, the author shall comply with laws and ordinances, as well as the rules set forth by the copyright owner of the original work related to such reprint. If the manner of exploitation is individually identified for such original work, authors must also abide by such manner of exploitation. In these cases, the source of such work must be clearly indicated, in principle, pursuant to the format prescribed by the Society. Also, in case of a reprint, reproduction or translation, procedures including applications necessary for the exploitation shall be made solely at the responsibility of all of the authors.
5. In cases where an author of a JAST Work exploits his/her own article, paper or the like constituting such JAST Work in a new writing by way of a quotation, reprint, reproduction, or translation, please refer to Section 2 of "Precautions when Exploiting the JAST Work" below.
6. When the Society publishes a contributed article, paper or the like, and in case where the contribution rules, etc., stipulate that the terms of exploitation are represented individually in such article or other contribution,

including a reprint, reproduction or translation, it shall be deemed that the author has consented to an exploitation of the work in accordance with such represented terms.

III. Precautions when Exploiting the JAST Work

1. In cases where a part or all of a JAST Work is to be exploited by way of a reprint, reproduction or translation, an application for such exploitation shall be filed in advance in a form prescribed by the Society. If the Society considers the purpose of such exploitation to be appropriate, the Society shall accept such application.
2. In cases where an author of an individual article, paper or the like which constitutes a JAST Work exploits a part of his/her own article or the like by way of a quotation, reprint, reproduction or translation, it shall not be necessary to make a prior application therefor to the Society; provided, however, that even the author himself/herself shall obtain permission from the Society in advance in writing if the author exploits the entire text thereof by way of a reprint and/or reproduction in another work. Also, regardless of whether such exploitation is an exploitation of a part or the entire text, the source of such JAST Work shall be clearly indicated in the reproduction or in the work in which such exploitation is made. Notwithstanding the above, a clear indication of the source shall not be required for a quotation, reprint, reproduction, or translation from the Proceedings of JAST Tribology Conference and other international conference proceedings the copyright of which is vested in the Society.
3. Notwithstanding the foregoing, in case of a JAST Work in which the terms of exploitation are individually represented, including a reprint, reproduction, or translation, such JAST Work shall be exploited in accordance with the represented terms. The Society shall not be liable for any exploitation that does not comply with such represented terms.

Supplementary Provisions (amended on April 27, 2020)

This Guideline applies to manuscripts accepted on and after May 11, 2020.

End.

(Record of Amendments)

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···to verify consistency with the Copyright Act and address to diversification of license.

English translation approved in the board of directors on February 19, 2021