

Ministry relaxes rules for affixing technical standard conformity marks

24 October 2019 | Contributed by [Nagashima Ohno & Tsunematsu](#)

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Introduction

On 8 February 2019 the Ministry of International Affairs and Communications amended the Ordinance on Technical Standards Conformity Certification of Specified Radio Equipment and the Ordinance on Technical Standards Conformity Approval of Terminal Facilities. The amendments eased the restrictions regarding the affixing of:

- marks indicating technical standard conformity certification on radio equipment provided for in the Radio Act; and
- marks indicating technical standard conformity approval on terminal facilities provided for in the Telecommunication Business Act (collectively, 'technical standard conformity marks').

The amendments permit the affixing of technical standard conformity marks to external displays and have eased the restrictions regarding the size of such marks.

Technical standard conformity certification under Radio Act

The Radio Act regulates radio equipment used for the transmission and receipt of radio waves. In principle, parties that wish to establish a radio station (including those that operate radio equipment) must obtain a licence from the minister of internal affairs and communications. However, simplified licensing procedures may apply to the radio equipment specified in the Radio Act when:

- certification of the equipment's conformity with certain technical standards set by the Ministry of International Affairs and Communications has been obtained; and
- a mark indicating technical standard conformity certification is affixed to the equipment.

The Ordinance on Technical Standards Conformity Certification of Specified Radio Equipment regulates, among other matters, the technical standard conformity certification method for radio equipment specified in the Radio Act.

Technical standard conformity approval under Telecommunication Business Act

Similarly, under the Telecommunication Business Act, when a user interconnects terminal facilities to the telecoms line facilities of a telecoms carrier, it must, in principle, refrain from using the terminal facilities before the telecoms carrier has certified that the interconnection conforms to certain technical standards set by the Ministry of International Affairs and Communications, except where the user interconnects terminal facilities to which a mark indicating technical standard conformity approval is affixed. The Ordinance on Technical Standards Conformity Approval of Terminal Facilities regulates, among other matters, the technical standards conformity method for terminal facilities.

Previous rules

Before the 8 February 2019 amendments, technical standard conformity marks could be affixed using any of the following methods:

AUTHOR

[Takayuki Fujii](#)



- for marks indicating a technical standard conformity certification under the Radio Act:
 - ◊ any method by which the mark was affixed to an easily recognisable section of the specified radio equipment or, if attaching the mark was difficult and unreasonable, any method by which the mark was affixed to instruction manuals and containers or packaging; and
 - ◊ any method by which the mark was recorded by electronic or magnetic means on the specified radio equipment, after which the mark was immediately and clearly displayed on the image surface of the specific radio equipment via any specified operation; and
- for marks indicating a technical standard conformity approval under the Telecommunication Business Act:
 - ◊ any method by which the mark was affixed to an easily recognisable section of the terminal facilities or, if the area where the mark should be affixed was unsuitable, any method by which the mark was affixed to instruction manuals and containers or packaging; and
 - ◊ any method by which the mark was recorded by electronic or magnetic means on the terminal facilities, after which it was immediately and clearly displayed on the image surface of the terminal facilities via any specified operation.

Further, technical standard conformity marks had to be at least three millimetres in diameter.

Amended rules

Both ordinances have undergone similar amendments. Now, technical standard conformity marks can also be recorded by electronic or magnetic means on specified radio equipment or terminal facilities using any method that immediately and clearly displays the mark on the image surface of "the external device connected to the specified radio equipment or terminal facilities" via any specified operation. However, for marks indicating a technical standard conformity certification under the Radio Act, this additional method may be used only when the mark can be displayed by connecting an external device via a cable before first operating the specified radio equipment.

Further, as regards the size of technical standard conformity marks, the current requirement is only "that the mark is able to be easily identified".

Comment

Following the diversification and miniaturisation of electronic equipment, the means by which technical standard conformity marks must be affixed received significant attention from business operators that sell or import electronic equipment in Japan. Following these amendments, the methods for affixing such marks have become more flexible.

For further information on this topic please contact [Takayuki Fujii](#) at Nagashima Ohno & Tsunematsu by telephone (+81 3 6889 7000) or email (takayuki_fujii@noandt.com). The Nagashima Ohno & Tsunematsu website can be accessed at www.noandt.com.

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