

Radio Act amended to promote innovation using foreign WiFi and Bluetooth devices

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Introduction

Technical standards compliance marks

New system

Comment

Introduction

On 10 May 2019 the Diet passed a bill amending the Radio Act to provide simple procedures for using radio equipment that has not been technically certified in Japan for experimental purposes. In Japan, the manufacture, sale and use of electronic equipment – including equipment from overseas – is regulated by various laws and regulations. As product development timeframes have narrowed, foreign manufacturers and other business operators have struggled to comply with the Radio Act when trying to bring prototype products with WiFi or Bluetooth capabilities into Japan for experimental purposes. The amendments to the Radio Act may signify a breakthrough in dealing with this challenge and pave the way for facilitating greater innovation.

Technical standards compliance marks

The Radio Act broadly regulates the use of radio equipment that emits radio waves – typically, WiFi and Bluetooth products. In principle, the act requires that a radio station licence be obtained for the use of radio equipment. The use of certain radio equipment, including WiFi and Bluetooth devices, is also subject to general licensing requirements under the act. These devices can be used without a radio station licence if:

- certification of their conformity with certain technical standards set by the Ministry of Internal Affairs and Communication has been obtained; and
- a technical standards compliance mark has been affixed to the product.

As a result, products with WiFi or Bluetooth capabilities which are sold in or imported into Japan and used by ordinary users who supposedly do not obtain a radio station licence are meant to carry marks which show that they comply with the required technical standards.

As an exception to the provisions of the Radio Act, WiFi and Bluetooth products (eg, smartphones and tablets) that fulfil certain requirements (eg, carrying a Federal Communications Commission (FCC) certification or a CE mark) and are brought into Japan by foreign visitors can be used for 90 days after entry, even without a Japanese technical standards compliance mark. This exception aims to enable foreign tourists to use their own WiFi and Bluetooth products during their stay in Japan. As a logical extension of this exception, WiFi and Bluetooth devices may be used under this exception only by the individual who brought the product into Japan. Therefore, the use of such WiFi or Bluetooth products by others, including colleagues in Japanese subsidiaries of foreign manufacturers, is prohibited. As a corollary, although not explicitly stated in law, the authorities apply this exception only to tourists visiting Japan and not to products which are brought into Japan for experimental purposes.

New system

As discussed above, under the current regulatory framework, there is a high barrier to using radio equipment (including WiFi and Bluetooth products manufactured overseas) that fulfils reliable foreign technical standards but does not carry a technical standards compliance mark for experimental purposes in Japan. Some industry professionals have argued that this framework hinders innovation in Japan. In response to requests from the industry to establish an exception system to permit the use of radio equipment manufactured in foreign countries for experimental purposes to promote research and development, the bill to amend the Radio Act was passed by the

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Diet. These amendments are expected to take effect in Spring 2020. Details of the new system will take shape through ministerial ordinances of the authorities in due course. However, the key features of the new system are as follows.

Notification

The authorities must be notified before radio equipment is used under the new exception. The notification system is simpler than the licensing system in that notification is completed by informing the authorities of the necessary matters and does not involve an examination of the equipment by the authorities.

Scope

Mobile phones and WiFi devices are generally expected to be covered by the new system. The full scope of covered devices will be specified in ministerial ordinances going forward, but – according to the explanatory material prepared by the authorities – augmented reality glasses, drones and smart speakers are expected to be covered.

Notably, alternating current adapters used for radio equipment are still subject to the Electrical Appliances and Material Safety Act and require additional consideration, even if the main radio equipment falls under the new system.

Technical requirements

Radio equipment that will be used under the new system must conform to certain technical standards, such as FCC and CE certification.

180-day experimental period

Once all of the above requirements have been fulfilled, the stated foreign manufactured product with WiFi or Bluetooth capability can be used for experimental purposes in Japan for up to 180 days without a technical standards compliance mark.

Comment

The amendments are expected to foster innovation with regard to technology-related products.

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