

Notes on Prior Inspection

The definition of "export of goods" or "provision of technology" is as follows (Article 2, Paragraph 1, Items 4 and 5 of Meiji University Export Control Regulation)

Export of Goods

- (a) To send goods to a foreign state
- (b) To send goods clearly to be sent to a foreign state
- (c) To carry cargo to a foreign state

Provision of Technology

- (a) the act of providing technology to Non-Residents (the person prescribed in Article 6, Paragraph 1, Item 6 of the "Act", hereinafter simply referred to as "Non-Residents")
- (b) the act of providing technology to Resident (the person prescribed in Article 6, Paragraph 1, Item 5 of the "Act2) who clearly provides to Non-Residents
- (c) the act of providing technology in a foreign state or providing technology for a foreign state.
- (d) the act of providing a medium in which technical information is stated or recorded for the purpose of (a), (b) or (c)
- (e) the act of sending technical information through telecommunication lines for the purpose of (a), (b) or (c)

The definition of "Resident" and "Non-Residents" is as follows (The interpretation and operation of foreign exchange laws and regulations: Kukoku No. 4672, November 29, 1980).

Resident

- <Japanese>
 - (1) Those who work at Japan's international diplomatic offices
 - (2) All Japanese excluding (1), (3), (4) and (5)
- <Foreigners>
 - (7) Those who work at an office in Japan
 - (8) Those who stay in Japan for six months or longer after entry
- <Corporations or legal persons>
 - (12) Offices including a branch/sub-branch of an international corporation in Japan
 - (13) Japan's international diplomatic offices
 - (14) Japanese corporations/legal persons excluding (13) and (15)

Non-Residents

- <Japanese>
 - (3) Those who departed from Japan and stay outside Japan for the purpose of working at an overseas office
 - (4) Those who departed from Japan and stay outside Japan for the purpose of staying outside Japan for two years or longer
 - (5) Those who stay outside Japan after the departure from Japan for two years or longer
 - (6) Those who fall under any of (3) through (5) and returned to Japan as a temporary homecoming staying for less than six months so far
- <Foreigners>
 - (9) Persons in public service for foreign governments or international institutions
 - (10) Diplomats, consuls or accompanying personnel/servants thereof (only those appointed/hired outside Japan)
 - (11) All foreigners other than (7) through (10)
- <Corporations or legal persons>
 - (15) Offices including a branch/sub-branch of a Japanese corporation in other countries
 - (16) Diplomatic offices of foreign governments and international institutions in Japan
 - (17) Foreign corporations/legal persons excluding (12) and (16)

"Portable goods" in [A] means baggage, clothing, books, cosmetics, personal ornaments and other goods intended to be used and considered necessary for an individual's personal use (Export Trade Control Order Cabinet Order No. 378 of 1949).

The Transactions where the technology is "provided to make it publicly known" in [B] refer to the following (Ministerial Ordinance on Trade Relation Invisible Trade (Ordinance of the Ministry of International Trade and Industry No. 8 of 1998)):

- Technologies already disclosed to the general public via newspapers, books, magazines, brochures or files in an electrical communication network, etc., are to be transferred;
- Technologies accessible to the general public through academic journals, public patent information or minutes of open symposiums, etc., are to be transferred;
- Technologies accessible or audible to the general public through factory tours, lecture presentations or exhibitions, etc., are to be transferred;
- Open source programs are to be transferred; or
- The purpose is to provide public access or view through sending academic presentation manuscripts or distributed materials at exhibitions, or contributing to magazines, etc.

"Design", "Manufacturing" and "Use" in [B] refers to the following stages.

- (1) Design: All stages in the prior stages of a series of manufacturing processes
(Example) Design research, design analysis, design concept, prototype production and testing, pilot production planning, design data, process of transforming design data into products, appearance design, overall design, layout, etc.
- (2) Manufacturing: All manufacturing processes
(Example) Construction, production engineering, commercialization, integration, assembly, inspection, testing, quality assurance, etc.
- (3) Use: stages other than design and manufacturing
(Example) Operation, installation, maintenance, repair, overhaul, dismantling repair