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This English translation of the Designation of Unfair Trade Practices (Effective September 1, 1982) has been prepared in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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Designation of Unfair Trade Practices (Fair Trade Commission Public Notice No. 15 of June 18, 1982)

Pursuant to the provisions of Article 2 (9) of Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947), Unfair Trade Practices (Fair Trade Commission Public Notice No. 11 of 1953) shall be fully revised as follows and shall come into force as from September 1, 1982.

Unfair Trade Practices

(Concerted Refusal to Trade)

(1) Without justifiable grounds, any act listed in any of the following items concertedly with another entrepreneur who is in a competitive relationship with oneself (hereinafter referred to as a "competitor"):

- (i) Refusing to trade with a certain entrepreneur or restricting the quantity or substance of goods or services pertaining to trade with a certain entrepreneur; or
- (ii) Causing another entrepreneur to undertake an act that falls under the preceding item.

(Other Refusal to Trade)

(2) Unjustly refusing to trade, or restricting the quantity or substance of goods or services pertaining to trade with a certain entrepreneur, or causing another entrepreneur to undertake any act that falls under one of these categories.

(Discriminatory Consideration)

(3) Unjustly supplying or accepting goods or services for a consideration which discriminates between regions or between parties.

(Discriminatory Treatment on Trade Terms, etc.)

(4) Unjustly affording favorable or unfavorable treatment to a certain entrepreneur in regard to the terms or execution of a trade.

(Discriminatory Treatment, etc. in a Trade association)

(5) Unjustly excluding a specific entrepreneur from a trade association or from a concerted activity, or unjustly discriminating against a specific entrepreneur in a trade association or a concerted activity, thereby causing difficulties in the business activities of the said entrepreneur.

(Unjust Low Price Sales)

(6) Without justifiable grounds, supplying goods or services continuously for a consideration which is excessively below the cost incurred in the said supply, or otherwise unjustly supplying goods or services for a low consideration, thereby tending to cause difficulties to the business activities of other entrepreneurs.

(Unjust High Price Purchasing)

(7) Unjustly purchasing goods or services for a high consideration, thereby tending to cause difficulties to the business activities of other entrepreneurs.

(Deceptive Customer Inducement)

(8) Unjustly inducing customers of a competitor to trade with oneself by causing them to misunderstand that the substance of goods or services supplied by oneself, or its trade terms, or other matters relevant to such trade are much better or much more favorable than the actual ones or than those pertaining to the competitor.

(Customer Inducement by Unjust Benefits)

(9) Inducing customers of a competitor to trade with oneself by offering unjust benefits in light of normal business practices.

(Tie-in Sales, etc.)

(10) Unjustly causing another party to purchase goods or services from oneself or from an entrepreneur designated by oneself by tying it to the supply of other goods or services, or otherwise coercing the said party to trade with oneself or with an entrepreneur designated by oneself.

(Trading on Exclusive Terms)

(11) Unjustly trading with another party on condition that the said party shall not trade with a competitor, thereby tending to reduce trading opportunities for the said competitor.

(Resale Price Restriction)

(12) Supplying goods to another party who purchases the said goods from oneself while imposing, without justifiable grounds, one of the restrictive terms listed in the following items:

- (i) Causing the said party to maintain the selling price of the goods that one has determined, or otherwise restricting the said party's free decision on selling price of the goods; or
- (ii) Having the said party cause an entrepreneur who purchases the goods from the said party to maintain the selling price of the goods that one has determined, or otherwise causing the said party to restrict the said entrepreneur's free decision on selling price of the goods.

(Trading on Restrictive Terms)

(13) Other than any act falling under the preceding two paragraphs, trading with another party on conditions which unjustly restrict any trade between the said party and its other transacting party or other business activities of the said party.

(Abuse of Dominant Bargaining Position)

(14) Taking any act specified in one of the following items, unjustly in light of the normal business practices by making use of one's dominant bargaining position over the other party:

- (i) Causing the said party in regular transactions to purchase goods or services other than the one pertaining to the said transaction;
- (ii) Causing the said party in regular transactions to provide for oneself money, services or other economic benefits;
- (iii) Establishing or changing trade terms in a way disadvantageous to the said party;
- (iv) In addition to any act coming under the preceding three items, imposing a disadvantage on the said party regarding terms or execution of transaction; or
- (v) Causing a corporation which is one's transacting party to follow one's instruction in advance, or to get one's approval, regarding the appointment of officers of the said corporation (meaning those as defined by paragraph 3 of Article 2 of the Act Concerning Prohibition of Private Monopolization and Maintenance of Fair Trade. (The same shall apply hereinafter)).

(Interference with a Competitor's Transactions)

(15) Unjustly interfering with a transaction between another entrepreneur who is in a domestic competitive relationship with oneself or with the corporation of which one is a stockholder or an officer, and its transacting party, by preventing the effecting of a contract, or by inducing the breach of a contract, or by any other means whatsoever.

(Interference with Internal Operation of a competing company)

(16) Unjustly inducing, abetting, or coercing a stockholder or an officer of a corporation which is in a domestic competitive relationship with oneself or with a corporation of which one is a stockholder or an officer, to take an act disadvantageous to such corporation by the exercise of voting rights, transfer of stock, divulgence of secrets, or any other means whatsoever.