

## TECH, IP AND TELECOMS LAW UPDATES

September 2023 (Vol.5)

Atsushi Okada  
Partner  
[atsushi.okada@mhm-global.com](mailto:atsushi.okada@mhm-global.com)

Daisuke Tsuta  
Counsel  
[daisuke.tsuta@mhm-global.com](mailto:daisuke.tsuta@mhm-global.com)

Colin Trehearne  
Foreign Law Counsel  
[colin.trehearne@mhm-global.com](mailto:colin.trehearne@mhm-global.com)

Kaei Ro  
Senior Associate  
[kaei.ro@mhm-global.com](mailto:kaei.ro@mhm-global.com)

Kohei Wachi  
Senior Associate  
[kohei.wachi@mhm-global.com](mailto:kohei.wachi@mhm-global.com)

Lexi Takamatsu  
Foreign Lawyer  
[lexi.takamatsu@mhm-global.com](mailto:lexi.takamatsu@mhm-global.com)

Hironu Nagira  
Associate  
[hironu.nagira@mhm-global.com](mailto:hironu.nagira@mhm-global.com)

1. Ministry of Internal Affairs and Communications releases the Report of the “Study Group on the Use of the Metaverse for the Web3 Era”
2. Ministry of Economy, Trade and Industry releases “Guidance on Introduction of Software Bill of Materials (SBOM) for Software Management”
3. Ministry of Internal Affairs and Communications releases “ICT Cyber Security Comprehensive Measures 2023”

We are pleased to present the September issue (Vol. 5) of “TECH, IP AND TELECOMS LAW UPDATES”, a collection of the latest information about Japanese technology, intellectual property, and telecommunications law. We hope that you will find it useful to your business.

### 1. Ministry of Internal Affairs and Communications releases the Report of the “Study Group on the Use of the Metaverse for the Web3 Era”

On July 18, 2023, the Ministry of Internal Affairs and Communications (“MIC”) published a [comprehensive report](#) prepared by the “Study Group on Utilization of Metaverse for the Web3 Era,” along with the results of public comments. This report encapsulates a year-long series of discussions conducted by the Study Group, initiated in August 2022. It provides an overview of the present state of metaverse utilization while also highlighting prospective challenges and potential policies aimed at their mitigation.

The report covers a wide range of issues concerning the utilization of the metaverse, including the issue of rights related to avatars, the responsibilities of platform operators, and the handling of data generated in the metaverse space. Notably, the report proposes a direction for tackling these challenges by suggesting the establishment of guidelines for providers of metaverse services in order to foster innovation. It is essential to

## TECH, IP AND TELECOMS LAW UPDATES

recognize that the legal framework concerning metaverse-related concerns still remains ambiguous in many areas. As multiple stakeholders, both public and private, engage in resolving these matters, keeping abreast of the latest developments is imperative.

### 2. Ministry of Economy, Trade and Industry releases “Guidance on Introduction of Software Bill of Materials (SBOM) for Software Management”

On July 28, 2023, the Ministry of Economy, Trade and Industry released “[Guidance on Introduction of Software Bill of Materials \(SBOM\) for Software Management](#)”. This Guidance is based on the results of the study conducted by the “[Task Force on Software Management Methods to Ensure Cyber Physical Security](#)”.

While cybersecurity threats to software used in products are increasing, products contain a wide variety of software, including components, and it is difficult track of all of them. Recently, in December 2021, a vulnerability related to Apache Log4j, a Java-based open source logging library, was discovered; it had a significant impact in Japan with media reports describing it as a “[potentially disastrous software flaw](#)”.

Against this background, management methods using the Software Bill of Materials (SBOM), have been attracting attention in order to address software vulnerabilities and manage software licenses. The Guidance released by the ministry summarizes the benefits of SBOM and points to be cognizant of and implemented when introducing SBOM.

SBOM is being considered for use not only in the software industry, but also in the automobile and medical industries. On March 31, 2023, the Ministry of Health, Labour and Welfare issued a notice concerning the “[Revision of the Guidance on the Introduction of Cyber Security for Medical Devices](#)” accompanied by the “Guidance on the Introduction of Cyber Security for Medical Devices (2nd Edition)”. This guide also includes a description on the appropriate handling of SBOM.

As the creation of SBOM has the potential to be legally required in the future, market participants will benefit from paying attention to the system surrounding SBOM and future developments.

### 3. Ministry of Internal Affairs and Communications releases “ICT Cyber Security Comprehensive Measures 2023”

On August 10, 2023, the Ministry of Internal Affairs and Communications (“MIC”) released “[ICT Cyber Security Comprehensive Measures 2023](#),” which outlines issues related to cyber security and measures to be taken in the field of information and communications. The “Comprehensive Measures 2023” lists measures that MIC will

## TECH, IP AND TELECOMS LAW UPDATES

focus on, primarily being: (1) ensuring the security and reliability of information and telecommunications networks, (2) capacity building with respect to autonomously respond to cyber-attacks, (3) promoting international cooperation, and (4) promoting information dissemination and public awareness.

In regard to measure (1) above, “[NOTICE](#)” (or **N**ational **O**peration **T**owards **I**oT **C**lean **E**nvironment), which is an initiative aimed at investigating IoT devices that may be misused in cyber-attacks and the alerting of the users of such devices, is to be continuously implemented and expanded by the public and private sector actors involved. NOTICE is a cooperative framework among MIC, the National Institute of Information and Communications Technology (NICT), and Internet Service Providers (ISPs). NICT investigates IoT devices on the Internet that may be misused in cyber-attacks by entering easily guessed passwords, or by other means, and notifies ISPs of the information on such devices. ISPs will then identify the users of such devices based on the information received from NICT and alert them. “Comprehensive Measures 2023” specifically include: (i) extension and expansion of investigations of vulnerable IoT devices using the NOTICE framework; (ii) enhancement of information dissemination and awareness-raising to improve the effectiveness of alerts to users; (iii) comprehensive measures in cooperation with a wide range of stakeholders including manufacturers, systems integrators, and others; and (iv) the establishment of a body (the NOTICE Steering Committee) to serve as a command post in order to strengthen NOTICE’s management system.

While NOTICE was introduced as a time-limited measure until March 2024 (see Article 8.2 of the Supplementary Provisions of the NICT Act) by 2018 amendments to the NICT Act, it nevertheless is anticipated that the Act will again be amended to extend the period and/or for other purposes.