

## Regulations for the Implementation of Demonstration Projects

### Concept Demonstration Promotion Team Osaka

#### (Purpose)

Article 1 The purpose of these Regulations shall be to specify the matters to be observed by a business operator conducting a demonstration project (hereinafter referred to as the "business operator") and other necessary matters in the project of the Osaka Prefectural Government, the Osaka City Government and the Osaka Chamber of Commerce and Industry to support demonstration projects conducted at facilities under the jurisdiction of the Osaka Prefectural Government or the Osaka City Government, or at separately specified private facilities registered with the Osaka Chamber of Commerce and Industry (hereinafter referred to as "facilities").

#### (Consultation and Mutual Cooperation)

Article 2 The business operator shall hold sufficient discussions on the purpose and contents of the demonstration project with the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry and the administrator of the facilities, etc., to be used in the demonstration experiment (hereinafter referred to as the "administrator"), and shall conduct the project based on mutual understanding and cooperation.

#### (Application for Permission)

Article 3 When implementing the demonstration project, the business operator shall perform the procedures defined in the relevant laws and regulations and other procedures specified by the administrator and shall obtain permission to use the facilities and any other rights necessary to use the facilities lawfully.

#### (Hazard Prevention, etc.)

Article 4 When implementing the demonstration project, the business operator shall comply with the relevant laws and regulations and shall take the necessary risk prevention measures and risk management measures, including insurance subscription.

#### (Burden of Costs)

Article 5 The costs for the demonstration project shall be borne entirely by the business operator and shall not be borne by the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry or the administrator.

#### (Termination, etc., of Demonstration Project)

Article 6            When any of the following items applies, the Osaka Prefectural Government, the Osaka City Government and the Osaka Chamber of Commerce and Industry may order the business operator to terminate or suspend the project, or to change the contents of the project.

(1) When the continuation of the demonstration project would hinder or is likely to hinder the operations of the administrator

(2) When it becomes difficult to continue the demonstration project due to a natural disaster or other unavoidable reason

2 The Osaka Prefectural Government, the Osaka City Government or the Osaka Chamber of Commerce and Industry may request the business operator to correct the situation if the content of the demonstration project differs significantly from the content of the project plan submitted in advance, or if there is a risk of endangering the life or physical property of a third party.

3 If the business operator does not comply with the request for correction set forth in the preceding paragraph, or if the business operator is found to fall under Article 10 (1), the Osaka Prefectural Government, the Osaka City Government or the Osaka Chamber of Commerce and Industry may order the business operator to suspend the demonstration project.

4 The Osaka Prefectural Government, the Osaka City Government and the Osaka Chamber of Commerce and Industry shall not bear any new costs incurred by the business operator in the event that the demonstration project is terminated, suspended, or changed in accordance with the provisions of the preceding three paragraphs.

(Damages)

Article 7            Of any damages that occur in connection with the implementation of the demonstration project, the business operator shall be liable for any damages caused to the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry, the administrator or a third party, except when it is deemed a force majeure or that there is no cause attributable to the business operator. However, in matters where there are conditions for the permission to use the facilities as stipulated in Article 3 or for other matters that are stipulated separately, the matter shall be governed by such conditions.

2 In addition to what is provided for in Paragraph 4 of the preceding article, of any damages that occur in connection with the implementation of the demonstration project, the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry, the administrator or any third party shall not be liable for the damages caused to the business operator unless there is willful misconduct or gross negligence.

(Submission of Performance Reports, etc.)

Article 8           The business operator shall promptly prepare a performance report document and other materials as necessary after the completion of the demonstration project, and shall report the performance to the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry and the administrator. Provided, however, that the business operator shall not infringe on the intellectual property of any person other than the business operator.

2 The business operator shall make a performance report on the assumption that the Osaka Prefectural Government and the Osaka City Government may disclose the performance report document set forth in the preceding paragraph in accordance with laws and regulations.

3 With respect to the performance report document and the materials submitted by the business operator to the party receiving the report in the reporting of the performance, as set forth in Paragraph 1, the business operator shall allow the party receiving the report to use the document and materials free of charge in the following situations for the purpose of the performance of the work of the party receiving the report in relation to the relevant demonstration project, and shall similarly grant permission for any derivative works translated or adapted from these documents and materials by the party receiving the report.

- (1) Replication
- (2) Performance and screening
- (3) Public transmission
- (4) Oral statement
- (5) Exhibition
- (6) Translation and adaptation

4 The business operator shall not exercise the moral rights of the author with respect to the works and derivative works set forth in the preceding paragraph.

(Confidentiality)

Article 9           Both during the period of validity of these Regulations and after the termination thereof, where any confidential information or personal information is obtained in connection with the implementation of the demonstration project, the business operator shall not disclose that information to a third party without the prior consent of the other party, and shall not use such information by itself except where it is necessary for the achievement of the purpose of the demonstration project. However, this shall not apply to information that falls under any of the following items.

- (1) Information that is already in the public domain at the time of acquisition
- (2) Information that was already held at the time of acquisition
- (3) Information lawfully obtained from third parties without confidentiality obligations

- (4) Information developed independently without using the confidential information of the other party
- (5) Information to be published or disclosed by the Osaka Prefectural Government and Osaka City Government in accordance with laws and regulations

(Exclusion of Anti-Social Forces such as Organized Crime Groups)

Article 10 A business operator may not apply for a demonstration project based on these Regulations if the representative, an officer or a person who substantially controls the management of that business operator is an organized crime group member as prescribed in Article 2, Item 6 of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991), or is a closely related person as prescribed in Article 16, Paragraph 3 of that Act.

2 If the Osaka Prefectural Government, the Osaka City Government, the Osaka Chamber of Commerce and Industry or the administrator judges that an investigation is necessary to judge the applicability of the preceding paragraph, the business operator shall cooperate with that investigation and submit the necessary materials.

(Handling of Other Matters Not Prescribed)

Article 11 Any doubts arising as to the matters provided for in these Regulations and any matters not provided for in these Regulations shall be resolved through consultation between the business operator, the Osaka Prefectural Government, the Osaka City Government and the Osaka Chamber of Commerce and Industry.

End