

**SPECIAL REGULATION No. 9**

(Commercial activities by official participants)

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Concerning commercial activities by official participants

## **CHAPTER I: GENERAL PROVISIONS**

### **ARTICLE 1 – Purpose**

The purpose of this Special Regulation is, in accordance with the provisions of Articles 20, 21, 22, 23, 24, 25, and 34 of the General Regulations of the 2005 World Exposition, Aichi, Japan (hereinafter referred to as “the General Regulations”, and the 2005 World Exposition, Aichi, Japan, as “the Exhibition”), to specify the necessary requirements for commercial and other activities to be carried out within the site of the Exhibition by those foreign governments and international organisations that have accepted an official invitation from the Government of Japan to participate in the Exhibition (hereinafter referred to as “official participants”).

### **ARTICLE 2 – Definitions**

Throughout this Special Regulation, commercial activities shall be understood to be the following:

- (1) the operation of restaurants;
- (2) the sales of goods.

### **ARTICLE 3 – Compliance with laws and regulations**

1. Official participants shall comply with the General Regulations, the Special Regulations, the relevant laws and ordinances of Japan, and the supplementary instructions and directives issued by the Japan Association for the 2005 World Exposition (hereinafter collectively referred to as “the Laws and Regulations”, and the Japan Association for the 2005 World Exposition as “the Organiser”) that are in accordance with the General Regulations and the Special Regulations.
2. The Commissioner General of the Exhibition may, when any of the commercial activities of an official participant violates the Laws and Regulations, direct the official participant concerned to cease said activities. The official participant shall abide by the directives given in such case. The Organiser shall assume no responsibility whatsoever for any damage or loss relating to and resulting from the violation of the Laws and Regulations by the official participants.

3. Official participants shall, within the site of the Exhibition, ensure that all parties concerned with them comply with the Laws and Regulations and the Participation Contract as well as follow the directives of the Organiser that are deemed necessary for the operation of the Exhibition.

## **CHAPTER II: APPROVAL FOR COMMERCIAL OR OTHER ACTIVITIES**

### **ARTICLE 4 – Responsibilities of the Commissioners General of Section**

1. In accordance with Article 20.2 of the General Regulations, commercial or other activities in the national sections fall exclusively within the jurisdiction of the respective Commissioner General of Section. In case when the rights to commercial activities are assigned, subleased, or transferred to or used as securities by a third party, the Commissioner General of Section shall remain directly liable for the actions of the said third party.
2. Official participants shall, in accordance with Article 7 herein and the Participation Contract, pay to the Organiser royalties when carrying out commercial activities. These royalties shall be collected by the respective Commissioner General of Section or the representative he/she has appointed and remitted to the Organiser.
3. Official participants shall, in accordance with “Special Regulation No. 7 concerning transportation, customs clearance, and handling of cargo”, bear the expense of any taxes, tariffs, or duties incurred in regard to their commercial activities.

### **ARTICLE 5 – Approval for commercial activities**

1. Official participants may open restaurants in which the national food of their country will be principally served.
2. Official participants wishing to establish the restaurants mentioned in Paragraph 1 must receive the approval of Commissioner General of the Exhibition with regard to the types, prices, and price display methods of food to be sold as well as to the restaurant location, area, size, style, capacity, and management method. Any subsequent changes to the above items shall necessitate approval thereof by the Commissioner General of the Exhibition.
3. Official participants may sell photographs, slides, postcards, books, stamps, and sound and image recordings (on films, cassettes, compact disks, and other electronic media) from their countries or related to their international organisations. Official participants may also sell up to five types of goods which are truly representative of their country or their international organisation.
4. Official participants wishing to offer for sale the goods mentioned in Paragraph 3 must receive the approval of Commissioner General of the Exhibition with regard to the types, quantities, prices, and price display methods of goods to be sold as well as to the boutique location, area, size, and management method (including electronic transactions). Any subsequent changes to the above items shall necessitate approval thereof by the Commissioner General of the Exhibition. However, the up to five types of goods official participants may choose which are truly representative of their country or their international organisation may be substituted for

other goods no more than twice, and in each case, only with the prior approval of the Organiser.

5. The Organiser shall provide official participants with guidelines concerning the selection of goods which are truly representative of their country or their international organisation.

#### **ARTICLE 6 – Areas authorised for commercial activities**

1. In accordance with Article 20.3 of the General Regulations, the total space of the area authorised for commercial activities (the combined space for restaurants and boutiques) by official participants shall not exceed 20% of the total covered exhibition space, in order to ensure that each national exhibition complies with the provisions in Article 1.1 of the Convention relating to International Exhibitions, signed at Paris on November 22, 1928, and supplemented by the protocols of May 10, 1948, November 16, 1966, November 30, 1972, and the amendments of June 24, 1982, and May 31, 1988. Furthermore, the said area shall remain subject to the approval procedures defined in Articles 5.2 and 5.4 herein.
2. All the commercial activities regarding restaurants and sales of goods covered in Article 5 herein shall be carried out only within the areas authorised by the Commissioner General of the Exhibition.

#### **ARTICLE 7 – Royalties**

1. Official participants shall pay royalties for the exercise of their commercial activities to the Organiser in accordance with the conditions determined in the Participation Contract.
2. Official participants shall, on a monthly basis and by a separately specified method, pay to the Organiser an amount calculated as a percentage of gross revenue (excluding consumption and other taxes) of said commercial activities as royalties for the exercise of their commercial activities, based on the following categories.

##### **Restaurants:**

High-class restaurants or theme restaurants (A)	2%
Family restaurants or buffet (B)	3%
Fast food (C)	6%
Delicatessen (D)	8%
Boutiques	10%

3. The categories regarding the various types of restaurants to be operated by official participants shall be in accordance with the definition provided by the Organiser. The category in which each establishment will be classified and the corresponding level of royalties due shall be determined by the Organiser.

#### **ARTICLE 8 – Handling of sales proceeds**

1. Official participants shall record and, on a daily basis, report sales proceeds in a way determined by the Organiser. Official participants shall establish an account at a bank specified by the Organiser and deposit daily sales proceeds into this account within the deadline established by the Organiser. The Organiser may, at regular intervals determined by the Organiser, request from official participants detailed revenue and accounting reports pertaining to their commercial activities, and perform any necessary audits during operating hours to confirm the proceeds of those commercial activities.
2. Official participants shall process all sales proceeds of commercial activities using a cash register of a type specified by the Organiser. In such case, official participants may accept payments by credit cards that are approved by the Organiser.
3. Official participants may not sell goods on credit. However, this limitation does not apply in case where purchases are made using credit cards approved by the Organiser.
4. Official participants shall, in addition to the items stipulated in the preceding paragraphs of this article, follow any other additional points concerning the handling of sales proceeds determined by the Organiser.

#### **ARTICLE 9 – Sale of exhibited objects**

1. Official participants may sell off articles they have exhibited or materials they have used in the exhibition of such provided that they do so in accordance with the laws and regulations of Japan and that these articles only be made available after closure of the Exhibition. Such transactions will not be deemed as commercial activities subject to the royalties determined in Article 7 herein.
2. In the case of the transactions mentioned in the preceding paragraph, the official participant concerned relinquishes its right to the benefit of temporary entry and shall be subject to taxation and the customs laws and regulations of Japan.

#### **ARTICLE 10 – Special events**

1. Official participants who wish to arrange special events within the site of the Exhibition in accordance with Article 24 of the General Regulations shall apply to and receive the approval thereof from the Commissioner General of the Exhibition no less than 6 months prior to the opening of the Exhibition with regard to the dates, durations, locations, and details of the events as well as to any additional information necessary for the smooth operation of said events. The Commissioner General of the Exhibition may add specific criteria where necessary for approval.

2. No admission fees shall be charged for the special events referred to in the preceding paragraph. However, this stipulation may be waived with the approval of the Commissioner General of the Exhibition.

#### **ARTICLE 11 – Performances associated with commercial activities**

Official participants may, with the approval of the Organiser, hold music, dance, and other performances in the area where they conduct commercial activities. In such cases, official participants shall not require visitors to pay an entrance or other fee for the said performances.

#### **ARTICLE 12 – Distribution of sample items and foods**

1. Under the provisions of Article 23 of the General Regulations, the sample items and foods to be distributed free of charge by official participants shall be representative of their respective countries and have received final processing within the country concerned or have been produced by machines, apparatus, or equipment exhibited in the Exhibition by the official participant concerned.
2. Official participants who wish to distribute sample items and foods free of charge in accordance with Article 23 of the General Regulations shall apply to and receive the approval of the Commissioner General of the Exhibition with regard to lists of the said sample items and foods as well as to their quantities, times, and places of distribution. The Commissioner General of the Exhibition may add specific criteria where necessary for approval. Furthermore, such official participants shall post signs indicating that the distribution is free of charge.
3. The Commissioner General of the Exhibition may withdraw approval when the distribution of free sample items and foods by an official participant is judged to be in violation of the conditions of approval mentioned in the preceding paragraph or to be inappropriate to either the order or the overall harmony of the Exhibition.

## **CHAPTER III: BUSINESS OPERATIONS**

### **ARTICLE 13 – Business hours**

1. Business hours shall, in consideration of the opening and closing times of the Exhibition site as prescribed in “Special Regulation No. 13 concerning admissions to the Exhibition site”, be separately specified by the Organiser for each sales category and area.
2. Official participants may not suspend commercial activities during the business hours referred to in the preceding paragraph without prior approval from the Organiser.
3. The Organiser may, when necessitated by the operational needs of the Exhibition, direct a change in the business hours referred to in Paragraph 1 of this article at least 3 days in advance of the effective date of the change (such requirement does not apply in urgent cases such as typhoons and other unforeseen events). Official participants shall abide by the directives given in such case.
4. Official participants may not use the changes in business hours referred to in the preceding paragraph as a reason for claiming compensation for damages from the Organiser.

### **ARTICLE 14 – Goods for sale and prices**

1. Official participants shall display to visitors, in clearly understandable form, the prices of the goods and services they offer in the areas they carry out commercial activities.
2. The Organiser may, in cases deemed necessary in terms of the operational requirements of the Exhibition, issue directives to official participants regarding the goods sold and the prices, etc. of such goods. Official participants shall abide by the directives given in such case.

### **ARTICLE 15 – Currency to be used**

Japanese yen shall be the currency used in all commercial activities within the Exhibition site.

### **ARTICLE 16 – Matters requiring notification**

1. Official participants shall notify the Organiser of the following matters:
  - (1) the names of and contact information for persons responsible for commercial activities;
  - (2) the names of persons carrying out the commercial activities (hereinafter referred to as “Personnel”);



- (3) any other matters stipulated by the Organiser.
2. Official participants shall notify the Organiser, without delay, of any changes concerning the details mentioned in each of the items in the preceding paragraph.

#### **ARTICLE 17 – Management of Personnel**

The Commissioner General of the Exhibition may, in cases when any of the Personnel do not follow the Laws and Regulations or when it is judged that the behaviour of any of the Personnel is inappropriate in terms of maintaining the order of the Exhibition site, direct the official participant concerned to remove said Personnel member from the Exhibition site or forbid said Personnel member from engaging in commercial activities within the Exhibition site. The official participant concerned shall abide by the directives given in such case.

#### **ARTICLE 18 – Transport of goods, etc.**

Official participants shall, with regard to the conveyance of merchandise offered for sale, materials, sales-related equipment, containers, etc. into and out of the Exhibition site, transport such items at a time and via a route specified by the Organiser.

#### **ARTICLE 19 – Prohibiting sale of goods that violate intellectual property rights**

1. Official participants may not offer for sale goods or services that violate the industrial property rights, copyrights, or neighbouring rights prescribed in “Special Regulation No. 11 concerning industrial property rights and copyrights”.
2. The Organiser will not be held responsible for any violations by official participants of industrial property rights, copyright, or neighbouring rights.

#### **ARTICLE 20 – Use of the Exhibition mark, etc.**

Official participants may not use the names, images, logos, marks, mascots, contents, etc. relating to the Exhibition or the Organiser in their commercial activities without obtaining the prior approval of the Organiser.

## **ARTICLE 21 – Advertising**

1. Official participants may, within their exhibition spaces or pavilions, display or distribute advertisements such as signboards, posters, notices, and other printed matter featuring their own names, certifications, or products. In such case, the said advertisements shall conform to the advertising standards determined by the Organiser.
2. Official participants shall, when they intend to install illuminated advertising, submit colour design plans illustrating the full details of the building or advertising tower and the location thereof of any illuminated advertising for approval by the Commissioner General of the Exhibition.
3. Official participants must receive prior approval from the Commissioner General of the Exhibition for using publicity materials outside their exhibition spaces or pavilions. However, brochures or leaflets may only be distributed within the enclosure of the national section of the official participant concerned.
4. The Commissioner General of the Exhibition may, if he/she deems it necessary to maintain the order, safety, and overall harmony of the Exhibition, direct the removal, amendment, or the suspension of distribution of the advertisements mentioned in Paragraphs 1 and 3 of this article. The official participant concerned shall abide by the directives given in such case.
5. Official participants may not use the names of foreign countries, cities, regions, etc. or any names similar to them in their advertisements without the approval of the Commissioner General of the Exhibition and the Commissioner General of Section concerned.
6. Official participants may not shout or use megaphones, loudspeakers, or other sound amplification devices for the purposes of attracting visitors or for advertising within the Exhibition site.

## **ARTICLE 22 – Confirmation of business conditions**

1. The Organiser may send designated persons into areas where commercial activities are carried out to undertake on-site inspections of the business premises of official participants to ascertain to what extent the provisions of the contract are being fulfilled and to confirm the conditions of commercial activities.
2. The Organiser may, based on the result of the on-site inspection mentioned in the preceding paragraph, direct the official participant concerned to carry out any correction or improvement measures deemed necessary. The official participant concerned shall abide by the directives given in such case.

**ARTICLE 23 – Hygiene**

Official participants shall follow the provisions of “Special Regulation No. 10 concerning general services”, in particular, the provisions of “Chapter II: Sanitation and Public Health”, with regard to commercial activities.

**ARTICLE 24 – Environmental conservation**

Official participants shall, as separately specified by the Organiser, take necessary measures to conserve the environment with regard to commercial activities.

## **CHAPTER IV: COMMERCIAL FACILITIES**

### **ARTICLE 25 – Preparation for commercial activities**

1. Official participants shall, at their own expense and responsibility, carry out the design, construction, and establishment of the facilities, etc. within the area to be used for their commercial activities and follow the provisions of “Special Regulation No. 4 concerning construction, installations, fire prevention, labour safety, and the protection of the environment” as well as “Special Regulation No. 5 concerning the installation and operation of machinery and equipment of all types”.
2. Official participants shall, in order to carry out commercial activities, complete the necessary procedures in accordance with the Laws and Regulations and other standards separately specified by the Organiser.
3. Official participants shall, at their own expense and responsibility, complete the necessary interior finish work and other work necessary in preparation for carrying out commercial activities by March 10, 2005.
4. Official participants shall, when carrying out interior finish work, follow the standards for interior finishes separately specified by the Organiser.
5. The Organiser may, when it is deemed necessary, send designated persons into areas where commercial activities are carried out to undertake on-site inspections with regard to interior finish work and other construction work.
6. After carrying out the on-site inspection mentioned in the preceding paragraph, if it is deemed that the construction in question does not meet the standards for interior finishes referred to in Paragraph 4 of this article or the Laws and Regulations, the Organiser may direct the official participant concerned to take the actions necessary to meet said requirements. The official participant shall abide by the directives given in such case.

### **ARTICLE 26 – Maintenance and control**

1. Official participants shall pay due attention to maintaining their facilities located in the areas where commercial activities are carried out in good order.
2. The Organiser may, in case when it is deemed necessary to carry out repairs on the facilities located in the area where commercial activities are carried out, effect such repairs at its own expense. However, the official participant shall bear the expense of any repairs deemed necessary due to damage they themselves have caused to the facilities.
3. In case when the Organiser, for security or other reasons, directs an official participant to carry

out repairs on the concessions facilities in its possession, the official participant concerned shall abide by the directives given therefor.

4. Official participants shall, when carrying out repairs on concessions facilities under the provisions in the preceding paragraph, comply with the directives of the Organiser in regard to the date and time for the completion of such repairs.
5. Official participants shall, when carrying out improvements on their own concessions facilities, notify the Organiser of such improvements and follow any directives given by the Organiser concerning such work.

#### **ARTICLE 27 – Dismantling and removal of facilities**

1. Official participants shall, at their own expense and responsibility, restore concessions facilities to their original state and return said facilities to the Organiser by October 25, 2005. However, in specific cases deemed appropriate by the Organiser, concessions facilities can be returned without having to be restored to their original state.
2. In cases when an official participant fails to fulfil the obligations mentioned in the preceding paragraph, the Organiser may take appropriate measures on behalf of the official participant, and, at the official participant's expense, restore the said facilities to their original state.
3. Official participants shall liaise with the Organiser and follow any resulting directives with regard to the timing and method for the removal of sales equipment and any facilities, etc. related to their construction from the Exhibition site.
4. Official participants may not, when returning concessions facilities to the Organiser, claim compensation from the Organiser for their removal, for expenses incurred in respect to the concessions facilities, or for any other reasons, except where separately specified herein.

## **CHAPTER V: COMMERCIAL ACTIVITIES OF NON-OFFICIAL PARTICIPANTS**

### **ARTICLE 28 – Commercial activities of non-official participants**

1. The Organiser may allow those parties who have been authorised by the Organiser to participate outside the sections of official participants (hereinafter referred to as “non-official participants”) and who have concluded a Participation Contract with the Organiser to carry out commercial activities that are appropriate and in harmony with their respective exhibitions.
2. Non-official participants shall, in regard to carrying out commercial activities within the Exhibition site, conclude a contract with the Organiser concerning commercial activities.
3. Non-official participants may not use the names of countries, cities, regions, etc. or any names similar to them in their sales merchandise or as part of their services without the approval of the Commissioner General of Section concerned.
4. The conditions for the commercial activities of non-official participants shall be stipulated in the contract concerning commercial activities.

## **CHAPTER VI: COMMERCIAL ACTIVITIES OF CONCESSIONAIRES**

### **ARTICLE 29 – Commercial activities of concessionaires**

1. Concessionaires are those individuals, corporations, and groups and organisations who, based upon a concessionaires contract concluded with the Organiser, carry out commercial activities on the Exhibition site, including the operation of food and beverage facilities, sales of goods, provision of services, or any other commercial activities related to the Exhibition.
2. The Organiser may allow concessionaires to carry out commercial activities deemed necessary in terms of the operation of the Exhibition. Such commercial activities may only be carried out where the Organiser has determined that they are appropriate and will not act as an impediment to the other activities of the Exhibition, in particular, to the activities of official participants.
3. Concessionaires shall conclude a concessionaires contract with the Organiser for carrying out commercial activities within the Exhibition site.
4. Concessionaires may not use the names of countries, cities, regions, etc. or any names similar to them in their sales merchandise or as part of their services without the approval of the Commissioner General of Section concerned.
5. The conditions for the commercial activities of concessionaires shall be stipulated in the concessionaires contract.

