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Japan's Telecommunications Business Act: A Compliance Guide for Foreign Game Publishers

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I. Introduction

It is not uncommon for foreign game companies to first encounter Japan's telecommunications regulatory framework through a direct inquiry from the Ministry of Internal Affairs and Communications (the "**MIC**"). In some cases, the inquiry is prompted by a specific product feature (such as in-game chat or voice communication) rather than by the company's overall business model.

This reflects a broader point: Japan's Telecommunications Business Act (the "**TBA**") is not limited to traditional telecommunications carriers. Its scope is defined functionally and extends to a wide range of digital services that facilitate communications between users.

As a result, a game publisher operating in Japan may, in certain circumstances, be regarded as a telecommunications business operator under the TBA. Where this is the case, the operator may be required to file a notification with the Minister of Internal Affairs and Communications and comply with a range of ongoing obligations.

This can come as a surprise to overseas publishers, particularly where the service is structured as an entertainment product and relies on third-party infrastructure. However, under Japanese law, the classification of a service depends not on how the business is labeled, but on what the service actually does.

This article explains, from a practical perspective, when the TBA may apply to game services, what the notification process involves for a foreign corporation, and what regulatory implications may follow.

II. The Notification Obligations – Why This Applies to Game Companies

The TBA defines telecommunications services broadly. A “telecommunications business” is any business that provides telecommunications services in response to the demands of others,¹ and “telecommunications services” means intermediating the communications of others using telecommunications facilities, or making such facilities available for the communications of others.² In-game closed chat, guild messaging systems, and player-to-player voice features are generally considered to fall within this definition. Therefore, foreign game companies operating games with such communication functions are often considered to fall within the scope of the notification requirement.³

The 2021 amendment to the TBA strengthened enforcement against foreign corporations by requiring them to designate a domestic representative or agent as a condition of filing.⁴ Foreign companies distributing games in Japan frequently have no employees in the country. In such cases, a Japanese attorney can serve as the designated domestic agent.

III. The Filing Process for Foreign Corporations

In the notification process, you are informing the Minister that you intend to operate a telecommunications business, identifying your service, and designating a domestic representative with supporting documents. For a foreign corporation without a Japanese subsidiary, the filing typically requires the following documents, although the details of the required documents and information may vary depending on types of telecommunications functions, location of the game company’s headquarters, etc.

First, the Written Notification for Telecommunication Business (Form No.8). The form identifies the foreign entity, provides contact information, and specifies a planned business commencement date. In practice, where the service is already live, the commencement date is set to the filing date itself.

¹ Article 2, Item 4 of TBA.

² Article 2, Item 3 of TBA.

³ Notification applies to lighter, service-layer telecom activities, while registration applies to infrastructure-level telecommunications businesses subject to substantive regulatory review.

⁴ “Designation of Domestic Representatives and Notification of Telephone Numbers and Email Addresses (Request for Procedures Following the Entry into Force of the Amended Telecommunications Business Act of April 2021)” by MIC, available at https://www.soumu.go.jp/menu_seisaku/ictseisaku/denkitsushin_suishin/tetsuzuki/kokunai.html

Second, a power of attorney in accordance with MIC's designated form (Form No.2-2), executed by the foreign corporation's authorized representative. This document designates the domestic agent and specifies the scope of authority granted, including the authority to receive administrative notifications from the Minister on behalf of the game company.

Third, evidence of the domestic agent's identity and address. Where the domestic agent is an attorney, a certified copy of the resident register is standard.

Fourth, a network diagram (Form No.3) showing the basic architecture: the operator, the internet, and end users, with the cloud infrastructure identified by provider name.

Fifth, the telecommunications services table (Form No.4), on which you mark the applicable service category. For in-game chat, the relevant entry is: internet-related services (excluding IP telephony), with a parenthetical notation describing the specific service — for example, "closed chat."

Sixth, corporate existence documentation for the foreign entity. This means the articles of incorporation and the commercial registry extract (or equivalent), both in the original language. The Ministry requires Japanese translations, but typically only of specific provisions: for the articles of incorporation, the corporate name, purpose, and registered office; for the commercial registry, the corporate name, registered address, and name and title of the representative director. Capital information, if not in the articles of incorporation, can be extracted from the commercial registry and translated separately.

The Ministry responsible for receiving the filing depends on the domestic agent's address. For a Tokyo-based agent, this is the Kanto Bureau of Telecommunications. Once submitted, the Ministry typically issues a receipt confirmation within one week, assigning a permanent notification number that should be retained and referenced in all future correspondence.

IV. What Are the Consequences of Non-compliance?

Non-compliance with the TBA carries legal consequences. Specifically, where a notification as a telecommunications business operator is required but the business is conducted without making such notification, the operator may be subject to imprisonment for up to six months

or a fine of up to JPY 500,000.⁵ These sanctions apply to foreign corporations as well as domestic ones — and the 2021 amendment was enacted to close the enforcement gap that previously made it difficult for the Ministry to act against non-compliant foreign operators. Beyond criminal liability, the Ministry has administrative authority to issue business improvement orders and, in more serious cases, business suspension orders.

V. Common Misconceptions

Given the broad nature of the TBA, misunderstandings are common among overseas game publishers.

1. “We Are Just a Game Company — This Law Does Not Apply”

This is perhaps the most common misunderstanding. The TBA does not regulate industries by label, but it regulates functions. If a service enables or intermediates communications between users (such as in-game chat), it may fall within the scope of the TBA regardless of whether the provider considers itself a “game company.”

2. “Our Servers Are Located Outside Japan”

The physical location of servers is not determinative. What matters is whether the service is provided to users in Japan and whether it functions as a telecommunications service in substance. Some overseas operators assume that offshore infrastructure avoids Japanese regulation. In practice, Japanese regulators focus on the provision of services to Japanese users, not merely on where the equipment is located.

3. “We Do Not Operate Telecom Infrastructure”

It is correct that full-scale telecommunications carriers (e.g., network operators) are subject to stricter regulation. However, the TBA also covers service-layer providers that intermediate communications without owning infrastructure. As a result, even services built entirely on third-party infrastructure (such as cloud providers) may still fall within the scope of the TBA.

VI. Practical Takeaways — A Manageable but Often Overlooked Risk

⁵ Article 185 of the TBA.

Further, where registration is required but the business is conducted without obtaining such registration, the operator may be subject to imprisonment for up to three years or a fine of up to JPY 2,000,000 pursuant to Article 177 of the TBA.

The TBA is not typically the first regulatory framework that overseas game publishers consider when entering the Japanese market. Its scope is, however, broad and function-driven, and many modern game services fall within its reach. The key issue in practice is rarely the existence of the regulation itself, but whether it has been properly identified and addressed at an early stage.

For overseas publishers, the following steps are advisable as part of any Japan market entry review.

1) **Map your service features**

Identify whether your game includes communication-related functionalities such as chat, matchmaking, or user-generated content.

2) **Conduct an initial TBA assessment**

Determine whether those features may constitute “telecommunications services” under Japanese law.

3) **Consider notification or registration requirements**

Where applicable, assess whether a filing is required and ensure that it is made in a timely manner.

4) **Review internal operations**

In particular, examine how user communications (including logs) are accessed, monitored, and used, in light of the secrecy of communications framework.

5) **Align with other regulatory regimes**

Ensure consistency with obligations under the Payment Services Act, APPI, foreign corporation registration requirement⁶ and consumer protection laws.

For overseas publishers, incorporating a TBA review into the standard Japan market entry checklist can significantly reduce uncertainty and avoid unnecessary regulatory exposure.

⁶ For further details about the foreign corporation requirement under the Companies Act, please see our article, [“Foreign Company Registration in Japan: What Overseas Tech Companies Need to Know”](#)

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About Mori & Partners

Mori & Partners is a Tokyo-based boutique law firm focusing on cross-border corporate, technology, gaming, fintech, and regulatory matters. The firm advises foreign companies entering the Japanese market on entity structuring, regulatory licensing, and ongoing compliance. For inquiries, please contact us at info@mps-legal.com.

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