

**GUIDELINES CONCERNING THE USE OF SEIKA TOWN
PUBLICITY CHARACTER COSTUMES ETC.**

Article 1 Purpose

These Guidelines are provided for the purpose of stipulating the necessary matters for the use of Seika Town Publicity Character Costumes, etc. to which Seika Town has the right (hereinafter after referred to as "Costumes, etc.").

Article 2 Definition

The following words have the meanings given below.

(1) "Character" means the work, such as illustrations, pictures, moving images, three-dimensional articles, created to express the abstract concept to which a name is provided to distinguish its existence from others, and otherwise characterized by voice, appearance, personality, etc.

(2) "Seika Town Publicity Character Costumes, etc." means "Costume," "Headset," "Ring," and "Stick" which are described in the Schedule attached hereto, to which Seika Town (hereinafter referred to as the "Town") holds title, right and interest.

(3) "User" means a person who produces a secondary creation using the Costumes, etc.

(4) "Secondary creation" means the derivative work stipulated in Article 2.1.11 of the Copyright Act (Act No. 48 of 1970) and the reproduction of copyrighted work, or the creation made from alteration or cut off from the copyrighted work.

Article 3 Use

1. Any and all use of the Costumes, etc. by anyone is allowed except that which falls under any of the following:

(1) If it is considered that the actual or proposed use will or threatens to infringe the trust, intellectual property rights or any other right, or reputation of Seika Town or any third party;

(2) If it is considered that the actual or potential User will or threatens to use the Costumes, etc. exclusively, by rendering them as his/her own trademark or design;

(3) If it is considered that the actual or proposed use will or threatens to violate any law or public policy;

(4) If it is considered that use of the Costumes, etc." will or threatens to be for specific political purposes, beliefs or religions;

(5) If it is considered that use of the Costumes, etc. will or threatens to be in a manner that misleads others to believe that use may be officially authorized by Seika Town;

(6) If it is considered that the color and/or shape of the emblem of Town indicated on the Costumes, etc. will or threatens to be modified; or

(7) In addition to the use described above, any other use that the Mayor of the Town considers inappropriate.

2. The copyright or any other rights to or in connection with the Costumes, etc. shall always be vested in the Town, regardless whether consideration therefore is paid or not. Therefore, the User is prohibited from making or attempting to make trademark registration, design registration or any other registration of the Costumes, etc. and/or Secondary Creations of the Costumes, etc.

Article 4 Recognition

1. The User of the Costumes, etc. shall be recognized by the Mayor in advance for the use of the Costumes, etc. under the official authorization of the Town, except the Costumes, etc. that are used by the press, such as newspaper, television or magazine, for information purposes or are used in events etc. organized by the Town.

2. Any person who wishes to be recognized as stipulated in paragraph 1 above must file an application for recognition (Form No.1) with the Mayor that includes the following documents.

(1) Material which shows the details of the applicant's business, such as a corporate profile.

(2) Finished sample, etc. which show the proposed manner of use of the Costumes etc.

(3) Other documents which the Mayor considers necessary.

3. Upon filing of the application for recognition as described above, the Mayor shall review the content thereof. If the Mayor recognizes that said use will contribute to the publicity activities, etc. of Seika Town, a Certificate of Recognition (in Form 2) will be issued to the applicant.

If considers necessary, the Mayor may impose conditions or restrictions on or regarding the use of the Costumes, etc.

4. The User recognized pursuant to the preceding paragraph shall comply with the following:

(1) Use shall be limited to the manner, time, place etc. to use for which the license is granted at the time of recognition.

(2) The User is required to submit completed articles for said use, provided that if the submission of such article is unpractical, the User may submit a photograph or similar item thereof instead of the article itself.

(3) The User shall not assign or sublet the right granted.

(4) With respect to goods, advertisement or publicity for which relevant costumes etc. are used, the license number at the time of recognition ("© 精華町 2013 京町セイカ #(number)" or "©Seika town 2013 kyomachi.seika# (number)") must be clearly indicated on such goods, advertisement, etc.

5. If the User wishes to change the details of use permitted at the time of recognition, the User must be newly recognized in connection with the modified use.

6. If any of the following applies, the Mayor may cancel recognition of the User and require the User to recover the articles on or in connection of which the Costumes, etc. are used or take other appropriate measure in connection therewith. If the recognition of the User is cancelled, such User may not use the Costumes, etc. on and from the day of such cancellation.

- (1) If the User violates any provision of these Guidelines.
- (2) If the User violates the recognition of paragraph 3 of this Article.
- (3) If any content of the application is found to be false.
- (4) If any of the provisions concerning cause of exception of Article 3.1 apply.
- (5) If it is otherwise considered that the continuation of the Use of Costumes, etc. is inappropriate.

7. For avoidance of doubt, the recognition pursuant to paragraph 3 of this Article does not grant any right to exclusively use the Costumes, etc. as the User's own logo, by making it as User's own trademark or design, nor does it mean endorsement or recommendation of the goods or User by the Town.

Article 5 (Restrictions on use and notice)

1. If the manner or situation of the use of the Costumes, etc. by the User falls under any of the exception clauses of Article 3.1 above, the Mayor may impose conditions or restrictions on or in connection with the use of the Costumes, etc. In such case, the User must promptly comply with such conditions or restrictions.
2. If the use of the Costumes, etc. falls or may fall under any of the exception clauses of Article 3.1 above, the User must promptly notify such to the Mayor.
3. The Mayor may require the User to report the details of use of the Costumes, etc. or may inspect such details of use.

Article 6 Exemptions

1. The Town does not make any warranty in connection with the use of the Costumes, etc. and the secondary creations of the Costumes, etc., including warranty of fitness for specific purpose, non-infringement of any right of third parties, or lack of defect.
2. The Town shall not bear any liability or responsibility to any loss or damages of

whatever nature suffered by the User arising out of the use of the Costumes, etc. or the secondary creations of the Costumes, etc. and the conditions or restrictions stipulated in Article 5.1 above.

3. The Town shall not bear any liability or responsibility to compensation for loss or damages arising out of the recognition or cancellation of the recognition of the use of the Costumes, etc. under Article 4.

4. If the User causes any damage to any third party by the defect of the goods on or in connection with which the Costumes, etc. is used, the User shall dispose or settle such damages, and holds the Town harmless from such damages.

5. The Town will not bear any expense or service required for the use of or recognition for the Costumes, etc. pursuant to these Guidelines.

Article 7 Governing Law

1. These Guidelines are governed by and construed in accordance with the laws of Japan.

2. If any provision of this Guideline is in conflict with any mandatory law of governing law, only the relevant part of such provision will be void, and such provision will be modified to represent the nearest content of the original provision to the extent consistent with the mandatory law.

Article 8 Jurisdiction

Any dispute in relation to these Guidelines shall be subject to the exclusive jurisdiction of the Kyoto District Court as a court of first instance.

Article 9 Others

1. The ruling language of these Guidelines is Japanese. Therefore, the translation of this Guideline in any other languages is made for reference purposes only, and if the content of any translation of these Guidelines is in conflict with the Japanese version, the Japanese version of these Guidelines shall prevail.

2. Seika Town shall reserve any rights with respect to the use of the Costumes not set forth in these Guidelines.

Article 10 Delegation

Any necessary matters not stipulated in these Guidelines will be otherwise provided by the Mayor.

Supplementary Provisions

These Guidelines shall come into force as from September 2, 2014.