

List of Legal Measures Taken in FY 2004

Serial No	Case Number	Case Name	Description	Section Violated	Date of Recommendation (Date of Decision)
1	2004 (Recommendation) 5	Case against Takenaka Civil Engineering & Construction Co., Ltd. and one other company	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for works on repairing water supply equipment in the jurisdictions of the East Work Office and the North Work Office of the Department of Water Service, Osaka City invited by the Department, and enabled the winner to receive the order.	Section 3, latter clause	April 16, 2004 (*1)
2	2004 (Recommendation) 6	Case against Okumura Engineering Corporation and one other company	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for work repairing water supply equipment in the jurisdictions of the West Work Office and the South Work Office of the Department of Water Service, Osaka City invited by the Department, and enabled the winner to receive the order.	Section 3, latter clause	April 16, 2004 (May 18, 2004)
3	2004 (Recommendation) 7	Case against Yamazen Co., Ltd. and 11 other companies	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe works in the areas of Asahi-ku, Joto-ku, and Tsurumi-ku invited by the Department of water service, Osaka City, and enabled the winner to receive the order.	Section 3, latter clause	April 16 2004 (May 18 2004) (*2)
4	2004 (Recommendation) 8	Case against K.K.Daio Kensetsu Kogyo and 4 other companies	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Miyakojima-ku, Chuo-ku, and Higashinari-ku invited by the Department of water service, Osaka City, and enabled the winner to receive the order.	Section 3 latter clause	April 16 2004 (May 18 2004)
5	2004 (Recommendation) 9	Case against Okumura Engineering Corporation and 1 other company	Colluded to prearrange the winners of a comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Konohana-ku, Nishi-ku, Minato-ku, and Taisho-ku invited by the Department of water service, Osaka City, and enabled the winner to receive the order.	Section 3, latter clause	April 16 2004 (May 18 2004)
6	2004 (Recommendation) 10	Case against Nakabayashi Doro K.K. and 5 other companies	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Naniwa-ku, Suminoe-ku, and Nishinari-ku invited by the Department of water service, Osaka City, and enabled the winner to receive the order.	Section 3 latter clause	April 16 2004 (May 18 2004)
7	2004 (Recommendation) 11	Case against Toa Doboku Corporation and 1 other company	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Ikuno-ku, Higashisumiyoshi-ku, and Hirano-ku invited by the Department of water service, Osaka City, and enabled the winner to receive the order.	Section 3 latter clause	April 16 2004 (May 18 2004) (*3)

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8	2004 (Recommendation) 12	Case against K.K. Nakahigashi-gumi and 2 other companies	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Tennnoji-ku, Abeno-ku, and Sumiyoshi-ku invited by the Department of Water Service, Osaka City, and enabled the winner to receive the order.	Section 3, latter clause	April 16 2004 (May 18 2004)
9	2004 (Recommendation) 13	Case against K.K. Yoshidagumi and 1 other company	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Kita-ku, Fukushima-ku, and Higashiyodogawa-ku invited by the Department of Water Service, Osaka City, and enabled the winner to receive the order.	Section 3, latter clause	April 16 2004 (May 18 2004)
10	2004 (Recommendation) 14	Case against Okuyama Kensetsu K.K. and 5 other companies	Colluded to prearrange the winners of comparison of estimates submitted by designated firms for retrieving paving works after water pipe in the areas of Nishiyodogawa-ku and Yodogawa-ku invited by the Department of Water Service, Osaka City, and enabled the winner to receive the order.	Section 3, latter clause	April 16 2004 (May 18 2004)
11	2004 (Recommendation) 15	Case against Yokoyama Survey & Planning Office Co., Ltd. and 21 other companies	Colluded to prearrange the winners of designated competitive bids and comparison of estimates for surveying services, civil engineering consultancy services, compensation consultancy services and other services invited by Yamagata Prefecture, and enabled the winner to receive the order.	Section 3 latter clause	May 13 2004 (June 7 2004)
12	2004 (Recommendation) 16	Case against Green Group Co, Ltd.	By itself or via its wholesalers, sold trademarked mineral water, Hita Tenryousui, to retailers on the condition of having them maintain the recommended retail price it had fixed.	Section 19, (Item 12 (1) and (2) of the Designation of Unfair Trade Practices)	May 21 2004 (June 14 2004)
13	2004 (Recommendation) 17	Case against MIE Social Insurance Labor Consultants Association	Placed restrictions on the members' advertising by direct mail, facsimile, etc. and other activities for customer acquisition.	Section 8 Item 1(4)	June 17 2004 (July 12 2004)
14	2004 (Recommendation) 18	Case against Yokkaichi Medical Association	(1) Agreed that the members charge 3800 yen or more for each patient younger than 65 years old given an influenza vaccination. (2) Unfairly limited the functions or activities of the members by putting restrictions on the establishment of medical institutions, expansion of department, and the increase of hospital beds.	Section 8 Item 1(1) and (4)	June 21 2004 (July 27 2004)

Serial No.	Case Number	Case Name	Description	Section Violated	Date of Recommendation (Date of Decision)
15	2004 (Recommendation) 19	Case against Hyakujushi Bank, Ltd. and 5 other companies	Six financial institutions in Kagawa prefecture jointly decided to start charging educational institutions such as kindergartens, elementary schools, and junior high schools for bank transfers regarding the cost of school-provided lunch, educational materials, and PTA memberships collected under the system of school expenses collection, specifying the amount of the charge.	Section 3, latter clause	June 23 2004 (July 27 2004)
16	2004 (Recommendation) 20	Case against Toko Denki Koji Co., Ltd. and 102 other companies	Colluded to prearrange the winners of general competitive bids for electric works for which the contract price is expected to be 200 million yen or above invited by Gifu prefecture, etc. and enabled the winners to receive the order.	Section 3, latter clause	July 13 2004 (Aug 4 2004) (*4)
17	2004 (Recommendation) 21	Case against Kurihara Kogyo Co., Ltd. and 37 other companies	Colluded to prearrange the winners of general competitive bids for electric works invited by Gifu University, and enabled the winners to receive the order.	Section 3, latter clause	July 13 2004 (Aug 4 2004) (*5)
18	2004 (Recommendation) 22	Case against Microsoft Corporation	When licensing Windows OS to personal computer manufacturers, concluded agreements with the manufacturers containing certain provisions that a licensee covenants not to sue, bring, prosecute, assist or participate in any judicial, administrative or other proceedings of any kind against Microsoft, its subsidiaries, or other licensees for infringement of the licensee's patents, which unjustly restrict the manufacturers' business activities.	Section 19 (Item 13 of the Designation of Unfair Trade Practices)	July 13 2004 (*6)
19	2004 (Recommendation) 23	Case against Honma Corporation and 54 other companies	Colluded to prearrange the winners of limited general competitive bids for sewer culvert works by the jacking method and waste piping works invited by Niigata City, and enabled the winner to receive the order.	Section 3, latter clause	July 28 2004 (*7)
20	2004 (Recommendation) 24	Case against Sato Kigyo Co., Ltd. and 47 other companies	Colluded to prearrange the winners of competitive bids invited from designated firms for sewer culvert works by the open cut method and waste piping works ordered to only A graded designated companies invited by Niigata City, and enabled the winners to receive the order.	Section 3, latter clause	July 28 2004 (Sep 17 2004) (*8)
21	2004 (Recommendation) 25	Case against Honma Corporation and 55 other companies	Colluded to prearrange the winners of limited general competitive bids where only A graded designated companies may participate for construction works ordered by Niigata City, and enabled the winners to receive the order.	Section 3, latter clause	July 28 2004 (Sep 17 2004) (*9)

Serial No.	Case Number	Case Name	Description	Section Violated	Date of Recommendation (Date of Decision)
22	2004 (Recommendation) 26	Case against Usen Corporation and 1 other company	Intensively deprived the customers of CANSYSTEM Co., Ltd. by conducting a campaign in which they offered a monthly listening fee of less than 3,675 yen or a fee free period of more than three months including a month in which a tuner was installed only to such customers as conditions for switching over a contract.	Section 3 first clause	Sep 14 2004 (Oct 13 2004)
23	2004 (Recommendation) 27	Case against P.S. Mitsubishi Construction Co., Ltd. and 19 other companies	Colluded to prearrange the winner of competitive bids for the new construction of a prestressed concrete bridge invited by the Kanto Regional Development Bureau of the Ministry of Land, Infrastructure, and Transport, and enabled the winner to receive the order.	Section 3 latter clause	Oct 15 2004 (*10)
24	2004 (Recommendation) 28	Case against Oriental Construction Co., Ltd and 16 other companies	Colluded to prearrange the winner of competitive bids for the new construction of a prestressed concrete bridge invited by the Kinki Regional Development Bureau of the Ministry of Land, Infrastructure, and Transport, and enabled the winner to receive the order.	Section 3 latter clause	Oct 15 2004 (*11)
25	2004 (Recommendation) 29	Case against Joban Kosan P.C. Co., Ltd and 17 other companies	Colluded to prearrange the winner of competitive bids for the new construction of a prestressed concrete bridge invited by Fukushima prefecture, and enabled the winner to receive the order.	Section 3, latter clause	Oct 15 2004 (*12)
26	2004 (Recommendation) 30	Case against Mr. Max Corporation	Forced its suppliers to (1) provide money exceeding the pre-agreed amount at settlement time or on other occasions; (2) receive a whole or a part of goods it returned to them after purchase, at the phase of inventory adjustment, despite no cause attributable to them on condition that Mr. Max bought them out. (3) dispatch their employees to engage in its own sales operations on the occasion of newly opened, refurbishment, and shutting-down of its stores.	Section 19 (Item 14 of the Designation of Unfair Trade Practices and Items 1 and 6 of the Specified Unfair Trade Practices in the Department Store Business)	Oct 22 2004 (Nov 11 2004)
27	2004 (Recommendation) 31	Case against Karakami Kankoh Co., Ltd.	Forced each of its suppliers to (1) buy a predetermined number of vouchers for accommodation in its hotels by requesting in writing, and, when no offer for purchase is made, reiterating the request; (2) arrange for a predetermined number of its employees participate in overnight trips paying the attendance fee by requesting in writing, and, when no application for participation is made, reiterating the request.	Section 19 (Item 14 of the Designation of Unfair Trade Practices)	Oct 28 2004 (Nov 18 2004)

Serial No.	Case Number	Case Name	Description	Section Violated	Date of Recommendation (Date of Decision)
28	2004 (Recommendation) 32	Case against Kohnan Shoji Co., Ltd.	Forced its suppliers to (1) provide money in the name of cooperation in the clearance sale held in the second half of the business year so that it can achieve a good gross profit, taking advantage of the supplier-customer relationship. (2) provide money without clarifying the basis for the calculation and the purpose upon the opening of specific new stores in areas away from the head store when there is a main competitor so that the new store can achieve a good gross profit; (3) dispatch their employees to engage in its own sales operations, making them display goods and refill shelves on the occasion of new and renewal openings of its stores	Section 19 (Item 14 of the Designation of Unfair Trade Practices, and Item 6 of the Specified Unfair Trade Practices in the Department Store Business)	Nov 11 2004 (Dec 6 2004)
29	2004 (Recommendation) 33	Case against Raito Kogyo Co., Ltd and 15 other companies	Colluded to prearrange the winners of designated competitive bids for slope protection works invited by the Civil Engineering Division, Construction Division of the Local Department, and Civil Engineering Offices of Ehime Prefecture, and enabled the winner to receive the order.	Section 3, latter clause	Nov 12 2004 (*13)
30	2004 (Recommendation) 34	Uny Co., Ltd.	(1) Forced intermediate wholesalers of fruit and vegetables to deliver the products at prices that are considerably lower than the general wholesale prices of products comparable in terms of grade, place of origin and other factors by unilaterally instructing them to deliver fruit and vegetables at below-cost prices for sales entitled "special thanks day" or "sale for selected customers" and for other sales called "Tuesday special offers"; (2) Forced its suppliers to dispatch their employees to display and restock goods and to help shoppers packing purchased goods for sales held to open a new branch store or reopen a shop after refurbishment; (3) Forced its suppliers to dispatch their employees to assist Uny with stocktaking	Section 19 (Item 14 of the Designation of Unfair Trade Practices and Items 4 and 6 of the Specified Unfair Trade Practices in the Department Store Business)	Dec 9 2004 (Jan 7 2005)
31	2004 (Recommendation) 35	Case against Bridgestone Corporation and 3 other companies	Colluded to prearrange the winners of competitive bids for air-inflated tires for aircraft invited by the Defense Agency where procedures on contracts are carried out by Contract Headquarter of the Agency, and enabled the winner to receive the order.	Section 3, latter clause	Dec 24 2004 (Jan 31 2005)
32	2004 (Recommendation) 36	Case against Bridgestone Corporation and 9 other companies	Colluded to prearrange the winner of general competitive bids for air-inflated tires and tubes for purposes other than aircraft invited by the Defense Agency where procedures on contracts are carried out by Contract Headquarter of the Agency, and enabled the winner to receive the order.	Section 3, latter clause	Dec 24 2004 (Jan 31 2005) (*14)

Serial No.	Case Number	Case Name	Description	Section Violated	Date of Recommendation (Date of Decision)
33	2005 (Recommendation) 1	Case against Intel Corporation	Made five Japanese PC manufacturers refrain from adopting competitors' CPUs for the PCs manufactured and sold by them by making commitments to provide the five manufacturers rebates and/or certain funds on condition that (1) the manufactures make MSS at 100% and refrain from adopting competitors' CPUs (CPUs other than Intel CPUs sold by Intel Corporation). (2) the manufacturers make MSS at 90%, and put the ratio of competitors' CPUs in the volume of CPUs to be incorporated into the PCs manufactured and sold by them down to 10%; or (3) the manufacturers refrain from adopting competitors' CPUs to be incorporated into PCs in more than one series with comparatively large amount of production volume to others.	Section 3, first clause	Mar 8 2005 (Apr 13 2005)
34	2005 (Recommendation) 2	Case against Don Quixote Co., Ltd.	Forced its suppliers to (1) dispatch their employees and other staff to assist in the opening of its new stores by having them build product displays; (2) dispatch their employees and other staff to conduct Don Quixote's routine stocktaking and for routine product display change activities (3) retroactively offer support money for its newly opened stores with neither prior notification of the amount nor the basis for calculation nor an accounting of how the money is used. The actual amount of support money for a given store has been calculated by multiplying the amount of their initial deliveries to that store by a certain rate or alternatively has been set at one percent of the cumulative amount of their deliveries over a certain period.	Section 19 (Item 14 of the Designation of Unfair Trade Practices and Item 6 of the Specified Unfair Trade Practices in the Department Store Business)	Mar 9 2005 (*15)
35	2005 (Recommendation) 3	Case against Sony Music Entertainment (Japan) Inc. and 4 other companies	Without a justification the five companies entrusting the Chaku-Uta service to Label Mobile Co. Ltd. colluded to refuse granting master licenses to any operators providing or wishing to provide the Chaku-Uta service other than those entrusting the Chaku-Uta service to Label Mobile Inc.	Section 19 (Item 1 (1) of the Designation of Unfair Trade Practices)	Mar 24 2005 (Apr 26 2005) (*16)

(*1) The parties involved in Serial No. 1 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on May 25, 2004.

(*2) Of the parties involved in Serial No. 3 Case, one did not accept the recommendation; JFTC decided to initiate hearing procedures with it on May 25 2004.

(*3) Of the parties involved in Serial No. 7 Case, one did not accept the recommendation; JFTC decided to initiate hearing procedures with it on May 25, 2004.

(*4) Of the parties involved in Serial No. 16 Case, 5 did not accept the recommendation; on September 14, 2004, JFTC decided to initiate hearing procedures with it and, at their request, issued a consent decision on December 14, 2004.

(*5) Of the parties involved in Serial No. 17 Case, two did not accept the recommendation; on September 14, 2004, JFTC decided to initiate hearing procedures with it and, at their request, issued a consent decision on December 14, 2004.

(*6) The party involved in Serial No. 18 Case did not accept the recommendation; on September 1, 2004, JFTC decided to initiate hearing procedures with it.

(*7) The parties involved in Serial No. 19 Case did not accept the recommendation; on September 17, 2004, JFTC decided to initiate hearing procedures with it.

(*8) The parties involved in Serial No. 20 Case did not accept the recommendation; on September 17, 2004, JFTC decided to initiate hearing procedures with it and, as the request of one of them issued a consent decision on January 7, 2005

(*9) Of the parties involved in Serial No. 21 Case, 45 did not accept the recommendation; JFTC decided to initiate hearing procedures with it on September 17, 2004, and, at the request of three of them, issued a consent decision on December 14, January 7 2004, and February 14, 2005.

- (*10) The parties involved in Serial No. 23 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on November 18 2004.
- (*11) The parties involved in Serial No. 24 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on November 18 2004.
- (*12) The parties involved in Serial No. 25 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on November 18 2004.
- (*13) The parties involved in Serial No. 29 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on December 24 2004.
- (*14) Of the parties involved in Serial No. 32 Case, one did not accept the recommendation; JFTC decided to initiate hearing procedures with it on January 31, 2005, and, at its request, issued a consent decision on March 31, 2005.
- (*15) The party involved in Serial No. 34 Case did not accept the recommendation; JFTC decided to initiate hearing procedures with it on April 1, 2005.
- (*16) Of the parties involved in Serial No. 35 Case, four did not accept the recommendation; JFTC decided to initiate hearing procedures with it on April 26 2005.