

Rules on Entrustment of Business, etc. for Resolution of Complaints and Disputes

Established on March 16, 2001
Revised on April 18, 2003
Revised on December 19, 2003
Revised on March 19, 2004
Revised on April 15, 2005
Revised on January 19, 2007
Revised on September 21, 2007
Revised on March 21, 2008
Revised on September 19, 2008
Revised on March 19, 2009
Revised on October 15, 2009
Revised on December 16, 2010
Revised on December 20, 2012
Revised on April 18, 2019
Revised on May 20, 2021
Revised on June 10, 2021

Article 1. Purpose

The purpose of these Rules is, by prescribing necessary matters for responding to complaints from investors and requests for settlement of disputes concerning the Financial Instruments Business pertaining to the investment trust and the investment corporation (hereinafter referred to as “Investment Trust, etc.”) of the Financial Instruments Intermediary Service Provider (meaning the Financial Instruments Intermediary Service Provider set forth in Article 4, Paragraph 1, Item 1 of the Articles of Incorporation; the same shall apply hereinafter) and Full Members (meaning Full Members as defined in Article 7, Paragraph 1, Item 1 of the Articles of Incorporation; the same shall apply hereinafter) under the provisions of Article 4, Paragraph 1, Items 4 and 5 of the Articles of Incorporation, to secure the confidence of investors and thereby contribute to the sound development of the Investment Trust, etc. and protection of investors by promoting prompt and transparent responses from a fair and neutral standpoint.

Article 2. Definition

1. The term “Complaint” as used in these rules means investors expressing dissatisfaction such as making a request that Full Member of The Investment Trusts Association, Japan (hereinafter referred to as the “Association”) or a Financial Instruments Intermediary Service Provider (hereinafter referred to as “Full Members, etc.”) take action based on their responsibility or obligation.
2. The term “Dispute” as used in these Rules means any complaint provided in the preceding paragraph which cannot be settled between the parties.

Article 3. Entrustment of Business

1. Based on Article 12, Paragraph 2 and Article 13, Paragraph 2 of the Operational Rules, the Association shall entrust the services set forth in the following items to the Non-Profit Organization, Financial Instruments Mediation Assistance Center (hereinafter referred to as the “Center”).
 - (1) To settle complaints from investors concerning the business of Financial Instruments Business, etc.

pertaining to Investment Trusts, etc. conducted by Full Members, etc.

- (2) When there is any dispute concerning the business of Financial Instruments Business, etc. pertaining to Investment Trusts, etc. conducted by Full Members, etc., mediation shall be conducted to resolve such dispute.
2. The scope of business entrustment for complaint resolution or mediation, the method of bearing expenses, and other necessary matters concerning business entrustment in the preceding paragraph shall be determined in accordance with an agreement between the Association and the Center.
3. Incidental to the implementation of the business in Paragraph 1 above, the Association may have the Center provide investors with consultation services on investment trusts, etc.
4. In addition to what is provided for in these Rules, matters necessary for complaint resolution and mediation services to be entrusted to the Center shall be as provided for in the Rules of the Center.

Article 4. Participation of the Association

Notwithstanding the provisions of the preceding article, the Association may, if it deems it necessary, participate in the services set forth in Paragraph 1, Item 1 of the preceding article in the manner prescribed in the Rules of the Center.

Article 5. Responsibilities of Full Members, etc.

1. Upon receipt of notification from the Center, Full Members, etc., shall promptly contact the person who has filed the complaint and shall respond in good faith to this and endeavor to resolve such complaint.
In the event that the Association is involved pursuant to the provision of Article 4, the same shall apply to any notice from the Association.
2. Full Members, etc., must cooperate in good faith in the business of the Center and the Association in order to promote the resolution of complaints or disputes from investors.
3. Full Members, etc. shall cooperate with the Center in settlement of any complaint from the investor if requested by the Center to explain the circumstances, express an opinion, reply to the investor, directly negotiate with the investor, report the result of the response, etc. in accordance with the Rules of the Center.
4. Full Members, etc., shall take complaints seriously, identify the reason for the occurrence, etc., and endeavor to prevent any recurrence by taking corrective measures, etc.

Article 6. Participation in Mediation Proceedings, etc.

1. In the event that an investor of Full Members, etc. files a request for mediation with the Center under an agreement, Full Members, etc., who are the counterparty to such dispute shall accept the Center's mediation for such dispute, participate in such mediation proceedings, and shall also bear the obligations set forth in the following items:
 - (1) To submit a written answer with the Center in accordance with the Rules of the Center.
 - (2) To give explanations in person or in writing or submit materials at the request of the Center in accordance with the Rules of the Center. (Excluding cases where the Full Members, etc., have a justifiable reason not to do so.)

- (3) To pay the user fee per mediation holding day in accordance with the Rules of the Center.
2. In the event that Full Members, etc., file an application for mediation with the Center against an investor as the other party with regard to a dispute concerning the Financial Instruments Business, etc. pertaining to an Investment Trust, etc., that are conducted by Full Members, etc., such Full Members, etc., shall pay the mediation application fee.

Article 7. Measures in the Case of Recommendation for Mediation Proposals

If a mediator of the Center prepares a mediation proposal in accordance with the Rules of the Center, presents it to both parties, and recommends their acceptance thereof, the Full Members, etc. shall comply with the provisions of the Rules of the Center.

Article 8. Dissemination

1. The Association and the Full Members, etc., shall endeavor to raise awareness of the services of the Center.
2. When the Association receives a report from the Center on the status of consultation, complaint resolution, or mediation conducted by the Center, the Association shall inform the Full Member of a summary of the matters, except for matters related to the secrecy of the parties concerned.
3. The Association shall keep Full Members, etc., informed of a summary of the status of consultations and settlement of complaints made by the Association in connection with the provision of Article 4, except for matters related to the secrecy of the parties concerned, and shall also make such information public on a regular basis.

Article 9. Notification of Contact Point

1. Full Members, etc. shall notify the name of the department serving as the contact point for handling complaints and its telephone number (hereinafter referred to as the “Contact Point”) via “Electronic Notification and Storage System for Notifications from Association Members” (hereinafter referred to as the “The Investment Trusts Association’s Notification Management System”) using Attached Form 1.
2. When there has been any change in the Contact Point as set forth in the preceding paragraph, such change shall be notified using Attached Form 2 through via the Notification Management System of Investment Trusts Association.

Article 10. Reports on Compliance with Rules by Full Members, etc.

1. The Association may receive reports from the Center on the status of compliance by Full Members, etc., with the laws regarding the services set forth in Article 3, Paragraph 1, and the Rules of the Center.
2. Upon receipt of the report set forth in the preceding paragraph from the Center, the Association shall take necessary measures based on the Rules regarding the operation of the Disciplinary Committee and the disposition of members.

Article 11. Others

Any matters not provided for in these Rules on Entrustment of Business, etc., for Resolution of Complaints and

Disputes may be decided by resolution of the Board of Directors.

Supplementary Provisions

1. These Rules shall come into effect on March 16, 2001.
2. From the date above, the resolution of the Board of Directors of November 27, 1998, entitled “Approach to Handling Complaints,” is abolished.

Supplementary Provision

This amendment shall come into effect on April 18, 2003.

However, the amended provisions of Article 12 through Article 16 shall come into effect from the date of the conclusion of the agreement with the bar association.

Supplementary Provision

The amended provisions of Article 15 and Article 15-2 shall come into effect from the date of conclusion of the agreement with the bar association.

* The date of agreement with the bar association is March 1, 2004.

Supplementary Provision

This amendment shall come into effect on April 1, 2004.

Supplementary Provision

This amendment shall come into effect on April 15, 2005.

Supplementary Provision

This amendment shall come into effect on January 19, 2007.

Supplementary Provision

This amendment shall come into effect on September 30, 2007.

Supplementary Provision

This amendment shall come into effect on March 21, 2008.

Supplementary Provision

This amendment shall come into effect on October 1, 2008.

Supplementary Provision

This amendment shall come into effect on March 19, 2009.

Supplementary Provisions

1. This amendment shall come into effect from a date to be determined separately by the Association (hereinafter referred to as the “Effective Date”).
2. By-laws on Rules for Resolution of Complaints, etc. (Established April 18, 2003) shall be abolished as of the Effective Date with the revision of these Rules.
3. Notwithstanding the provisions of the preceding two paragraphs, the provisions prior to amendment and abolishment shall remain in effect with respect to mediation requested by the Association on the day before the Effective Date and for which services have been entrusted to the Arbitration Center provided in Article 12 prior to amendment until all cases regarding such mediation are completed. The same shall apply to any complaints which have been made to the Association on the day before the Effective Date.

* The Effective Date shall be the date of commencement of operations of the Non-Profit Organization, Financial Instruments Mediation Assistance Center (February 1, 2010).

Supplementary Provision

This amendment shall come into effect on the date to be determined separately by the Association (scheduled to be April 1, 2011).

Supplementary Provision

This amendment shall come into effect on January 4, 2013.

Supplementary Provision

This amendment shall come into effect on May 1, 2019.

* Necessary arrangement in connection with the change of era name

Supplementary Provision

This amendment shall come into effect on June 1, 2021.

* The amended Articles are as follows:

- Article 9, Paragraph 1 and Paragraph 2
- Attached Form 1 and Attached Form 2 specified in the respective paragraphs of the same Article.

Supplementary Provision

This amendment shall come into effect on the date of approval (July 1, 2021) by the competent government agency for amendments to Articles of Incorporation.

* The amended Articles are as follows:

- Amendment of Article 3 and Article 5 through Article 10 in connection with the amendment of Article 1 and Article 2
- Article 9, Paragraph 1 and Paragraph 2

Attached Form 1

Application Date	MM/DD/YYYY
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To: Chairperson of the Investment Trusts Association, Japan

Trade Name or Name	
Representative	

Notification Form for Contact Point for Handling Complaints

We hereby notify the Contact Point for Handling Complaints pursuant to the provisions of Article 9, Paragraph 1 of the “Rules on Entrustment of Business, etc., for Resolution of Complaints and Disputes.”

Complaint Handling Department	
Telephone Number	

Attached Form 2

Application Date	MM/DD/YYYY
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To: Chairperson of the Investment Trusts Association, Japan

Trade Name or Name	
Representative	

Notification Form for Change of Contact Point for Complaints

We hereby notify the change of Contact Point for Handling Complaints pursuant to the provisions of Article 9, Paragraph 2 of the Rules on Entrustment of Business, etc., for Resolution of Complaints and Disputes.

	After Change	Before Change
Complaint Handling Department		
Telephone Number		

Date of Change	MM/DD/YYYY
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