

News & Types: News

Monika Oyama Provides Pro Bono Work on a Case Involving the Japan Medical Practitioners' Act

11/15/2018

Masuda Funai Associate, Monika Oyama, assisted a team of Japanese lawyers representing a tattoo artist that was charged by prosecutors for violating the Japan Medical Practitioners' Act (the "Act") by engaging in tattooing practices without a medical license. On November 14, 2018 a Japanese high court overturned the Osaka District Court's decision and acquitted the tattoo artist for operating without a medical license, ruling the process is not a medical practice.

On September 27, 2017, the Osaka District Court agreed with the prosecutors and held that tattooing is deemed a medical practice under the Act, and the defendant was found guilty. **This is the first case in Japan examining the issue of whether tattooing is a "medical practice."**

On appeal, the lawyers wanted to make an argument from a cultural and global standpoint to convince the High Court that it is unreasonable to require a tattoo artist to obtain a medical license. Information was gathered from various jurisdictions around the world and Ms. Oyama provided research on New York and California regulations on medical and tattoo practices.

Ms. Oyama said "It's been a privilege to offer pro bono work on this groundbreaking case that improves the Japanese understanding of the risks, as well as cultural and artistic value of tattooing. Tattooing is not a medical act and shouldn't be controlled under the medical practitioners' law. Yet, I hope this case provides an opportunity for Japan to reconsider ways to protect public safety and sanitation in connection with not only tattooing, but also services that similarly involve physical contact such as piercing, eye lash extensions, facial shaving, and nail treatment."

Masuda Funai has offered pro bono work throughout the past 90 years to those in need, and helped foreign enterprises remove barriers and ease the process for international companies entering, operating and expanding into the United States. The law firm dedicated to foreign investment into the U.S. knows every aspect of the business life cycle and provides the full range of requisite legal services, from simple matters to highly complex transactions and disputes.

