

# The *akahon* publications: Their appeal and copyright concerns

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## Abstract

The majority of those teaching in Japanese universities are likely familiar with the *juku* (often called “cram schools” in English) and their role in preparing students for the ideal of taking university entrance exams. Less well-known, perhaps, are the *akahon* (literally, “red book”), compilations of universities’ past exams. When they do come up as a topic of discussion, they are often derided and the publisher of the *akahon*, *Kyōgakusha*, is frequently accused of violating copyright laws. Nevertheless, the *akahon* are extremely popular among hopeful university applicants. In the present short study, I outline what one can expect to find in typical *akahon* publications, discuss reasons for their appeal, and examine copyright concerns surrounding them.

## Introduction

Although still a nerve-wracking experience for many, the prospect of sitting for a university’s entrance exam does not always elicit the same amount of apprehension as it once did. One reason for this is that at an increasing number of Japanese universities, the exam is no longer the only means of admittance. A select number of students are able to enter universities every year via recommendations or through the Admission Office (AO) system. Additionally, at a time in which many universities’ survival is contingent on greater student numbers, entrance exams at these schools are mostly formalities; acceptance is almost a foregone conclusion.

For those wishing to attend the more prestigious universities, however, admittance for most is still largely contingent on scores for those universities’ entrance exams. Pressure on applicants to achieve high scores on these exams remains considerable, and thousands study at *juku* in order to better prepare themselves for the ordeal of taking these exams. Certainly, the *juku* are often criticized as having more interest in profit than in furthering the education of its students. Nevertheless, at a time in which public education is often perceived as lacking, the *juku* are seen by many students (and their parents) as necessary in order to achieve a good exam score.

## Appeal of the *akahon*

Although the *juku* may be considered by many as the best way to achieve high exam scores, they are not inexpensive, and not everyone can afford to attend them. Alternatively (and in many cases, of course, additionally), students look for material that will aid them as they study on their own, of which there is no shortage available for purchase. Especially popular for those hoping to gain insight into the entrance exam of the university they wish to attend are the *akahon*, compilations of the university exams, published each year in May by *Kyōgakusha*. Easily recognizable by their bright red covers, the *akahon* are fixtures in major bookstores as well as being sold online.

Although the *juku* have gained a sort of international notoriety, much less is known about the *akahon*. In my own experience, when they come up as a topic of discussion among university faculty, both Japanese and foreign, they are usually ridiculed and held up as examples, along with

the textbooks published by the *juku*, of blatant copyright abuses. They are, however, extremely popular among university applicants, and there are several reasons why they are in high demand.

The most obvious appeal of the *akahon* is that they contain, almost entirely in their original form, the actual exams from universities. A typical *akahon* will include an individual university's entire exam from the past two or three years, although some will have up to as many as ten previous exams. There are also *akahon* that are compilations of sections of a university's exam, rather than the entire test. Someone interested in applying to Tokyo University, for example, who wishes to concentrate primarily on the English section of its entrance exam, can purchase an *akahon* for the university that contains the test's English section, often from as far back as 25 years.

In addition to the actual tests, every *akahon* includes answers to and detailed explanations of all questions appearing in the exams. It will also summarize recurring patterns or trends in exams and dispense advice regarding how an applicant should best prepare for them. Interestingly, there are frequent recommendations that students purchase various English textbooks published by companies other than Kyōgakusha. For the reputed higher-tier universities, full translations of the English passages that appear in exams are also usually provided.

At universities with competitive acceptance rates, one can find yearly figures for the number of applicants who take the exams, as well as the success rates. In some of the *akahon*, such data is provided for every department of the university. This can be of possible benefit to an applicant whose main objective is admittance to a certain university, with field of study not being of major concern. He or she can compare acceptance rates of each department and decide to apply to one which seemingly affords the greatest chance of admission.

There is also data, once again broken down by department when applicable, for mean test scores. Additionally, the lowest test scores from applicants who achieved admission are provided as well.

## **Concerns regarding actual usefulness and copyright**

Overall, for hopeful test-takers the *akahon* are considered a useful and—in comparison to the *juku*—relatively inexpensive means of studying for entrance exams. (Prices vary depending on the number of exams included in each *akahon*, but most appear to cost approximately 2,000 yen.) On the other hand, there are issues of concern. The accuracy of a number of the answers they provide for exam questions, for example, is often questionable, as is that of the Japanese translations of passages that appear in the English sections of exams. Additionally, much of the advice provided to test-takers is based on trends noted from previous years, and seemingly assumes that a university's exam will follow the same basic format it has in the past. This is generally an accurate assessment; the majority of universities do not appear to make major changes in their exams from year to year. However, if a university's exam committee does make major revisions to its exam's format, those who have studied for it in a certain manner based on the advice from the *akahon* may encounter unexpected difficulties.

The greatest appeal of the *akahon*—their inclusion of actual university exams—also subjects them to frequent criticism and questions about possible copyright violations. It is common knowledge that much of the material that appears in universities' entrance exams, particularly the English sections, has been published elsewhere previously. Although Murphey (2005) and Wheeler (2009, 2011), to varying degree, have previously raised questions regarding the ethics of this, according to the basic premise of Article 36 from Japan's copyright laws, universities are allowed to use published material on their exams as long as profit is not their main goal. Kyōgakusha, however, is a private company, with profit being its primary objective. As such, the provisions detailed in

Article 36 regarding the reproduction of already existing material do not extend to the publisher. If Kyōgakusha wishes to use these works in the akahon, the publisher is obligated to receive consent from those holding copyright over them. Whether akahon publications comply fully with copyright laws has been a matter of question in the past. A lawsuit was filed in 2005, for example, by a group of Japanese authors who claimed that their works were being used in the akahon without their prior consent (“Nyūshi mondaishū,” 2005).

Kyōgakusha posts on its akahon webpage (n.d.) that whenever possible, it establishes contact with copyright holders whose works they wish to publish, and receives permission to do so. Moreover, near the front of every akahon, there is an explanation of how to best use the akahon; included in this note is a message of gratitude to all authors who have granted the publisher permission to use their works. However, Kyōgakusha also notes on its webpage that there are instances in which no matter how exhaustive its search, it is unable to determine the authors of passages that appear in exams and displays a list, periodically updated, of passages from university exams in which the original authors or copyright holders are considered “unknown.” One of its most recent posting (dated December 27, 2011) includes 209 passages, either reading or listening, from the exams of five universities (n.d.). All of these passages are from the English sections of these exams. This should not be entirely surprising; not all universities that utilize pre-existing material in their exams’ English sections provide information concerning the original authors. In fact, from among the forty-four 2012 university exams I have observed, previously published material in the English section is included in 43, but references are provided in only 24. In the *kokugo* (i.e., Japanese literature and composition) sections of these exams, there are also passages that have been published previously, but in these cases, citations are provided for every passage.

Even if Kyōgakusha has indeed received authorization from the hundreds, or even thousands, of authors whose works it has identified as appearing in university exams, it could perhaps be more thorough in its attempts to identify the authors of passages whose names are not provided in the exams. Observing an earlier entry of its list of passages in which the publisher had been unable to discover the authors’ identities, I was able to do so by simply copying one or two sentences of the passages in question onto Google’s search engine. Kyōgakusha apparently had success in eventually obtaining information on these authors as well; in its most recent entry regarding unknown authors, these passages no longer appear. However, the fact remains that in the previous year’s akahon, these passages were published without providing any information about the authors, and presumably without their prior consent.

Universities, of course, could make matters easier for Kyōgakusha by citing on their exams the authors whose works they have used. However, it is almost certainly the responsibility of the publisher to check any material for sources. This could seemingly be obtained fairly easily, simply by requesting the information from the university in question. At the time of this writing, for example, Obunsha, another publisher of entrance exam compilations, requested detailed information from my university regarding the authors whose works appeared in the exam. It does appear, based on information gathered from an informal survey of a number of universities in Hokkaido, that Kyōgakusha makes similar requests on a number of occasions. In the case of at least one university, in fact, citations of authors whose works were used in the university’s entrance exam appear in the akahon for that school, but were not on the actual test itself; they were added by Kyōgakusha prior to publication. However, unless the lists of passages of unknown authors on its website are from the exams of universities that refused to disclose information regarding the sources of these passages, Kyōgakusha could seemingly be more consistent in reaching out to the universities.

## Relationship with universities

Although the *akahon* are compilations of university exams, Kyōgakusha's connections with the universities whose exams appear in its publications appear to vary. It is often said that rather than approach universities directly, Kyōgakusha and other publishers of entrance exam compilations procure copies of an exam by purchasing it from a test-taker upon the exam's completion. However, there is also indication that at least a few universities may be affiliated with the *akahon*. In the explanation note that appears in each *akahon* (mentioned above), in addition to thanking the authors from whom the publisher received authorization to use their works, Kyōgakusha also expresses gratitude to “those connected to the universities who provided material [資料のご提供をいただいた大学関係者各位].”

The university at which I teach currently has no official relationship with Kyōgakusha, and receives no compensation from the publisher for its use of the university exam. A university that does enter into a monetary relationship with Kyōgakusha, however, would be advised to exercise caution. According to the Copyright Research and Information Center (CRIC), if the university's exam includes pre-existing material, its right to authorize publishers to use said exam is limited (Copyright case study, n.d.). CRIC posits that the university can only “give authorization to the publisher under the condition that the publisher obtains necessary authorization from all the relevant copyright owners (n.d.).”

Copyright issues aside, and here Kyōgakusha appears to be far more compliant regarding this matter than many assume, the *akahon*, while not perfect, do offer prospective university students a means of studying for entrance exams that is far cheaper than that of attending the *juku*. If nothing else, simply that they afford test-takers the opportunity to study from actual past exams is of considerable appeal, and does much to explain their popularity.

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