(c) with respect to other taxes, as regards taxes for any taxable year beginning on or after 1 January in the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE in two originals at Kuwait this seventeenth day of February, 2010, in the Japanese, Arabic and English languages, all the three texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of Japan:

武藤正敏

For the Government of the State of Kuwait:

خليفة م ح

Protocol

At the signing of the Convention between Japan and the State of Kuwait for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (hereinafter referred to as "the Convention"), the Government of Japan and the Government of the State of Kuwait have agreed upon the following provisions, which shall form an integral part of the Convention.

1. With reference to paragraph 1 of Article 4 of the Convention:

(a) It is understood that the term "resident of a Contracting State" includes:

(1) a pension fund established under the laws of that Contracting State; and

(2) an organisation, an institution or an entity the capital of which is owned by that Contracting State (together with such capital owned by any other state or states other than that Contracting State), established under the laws of that Contracting State and operated for a religious, charitable, educational, scientific, artistic, cultural or public purpose.

(b) It is further understood that, in the case of Kuwait, the term "resident of a Contracting State" includes:

(1) an individual who is a Kuwaiti national, provided that the individual has a substantial presence, permanent home or habitual abode in Kuwait and that his personal and economic relations are closer to Kuwait than to any state other than Kuwait; and

(2) a company which is incorporated in Kuwait and has its place of head or main office there.