

Date	February 25, 2016	Court	Tokyo District Court, 47th Civil Division
Case number	2015 (Wa) 15789		
– A case in which the court denied infringement of the right of reproduction and right of attribution with respect to the claims for injunction and damages made on the grounds of infringement of right of reproduction and right of attribution regarding accessories (jewelries).			

Summary of the Judgment

In this case, the plaintiff, who is a jewelry artist, alleged that the accessories imported and sold by the defendant are reproductions of the whole or part of the plaintiff's accessories and infringe the plaintiff's copyright (right of reproduction) and moral rights of author (right of attribution). Based on these allegations, the plaintiff sought payment of 20,000,000 yen as part of the damages based on tort and delay damages accrued thereon, as well as publication of an apology.

In this judgment, the court dismissed the plaintiff's claims by holding as follows: While the plaintiff's accessories and the defendant's accessories have common features in terms of structure, such structure per se has poor creativity. Moreover, in light of the numerous differences in the specific expressions used in both parties' products, the expressional features of the plaintiff's accessories cannot be directly perceived from the defendant's accessories. Furthermore, considering the background to the creation of the defendant's accessories, it cannot be found that they have been produced based on the plaintiff's accessories.