Copyright	Date	September 25, 2023	Court	Osaka District Court, 26th Civil Division
	Case number	2023 (Wa) 5818		
- A case in which, assuming the establishment of infringement of reproduction rights or public transmission rights, each requirement such as "obviousness of infringement of rights" was also recognized, and thus a request for the disclosure of identification information of senders was approved.				

Summary of the Judgment

The present case is one in which the Plaintiff alleged that a partially cut out image of an illustration image for which he / she owns the copyright was posted on an Internet bulletin board by an unknown person, infringing the Plaintiff's copyrights (reproduction rights, adaptation rights, and public transmission rights) regarding the above illustration, and made a claim, against the Defendant, who manages a server area that houses the above bulletin board site, for disclosure of identification information of senders relating to the above post on the basis of Article 5, paragraph (1) of the Act on limitation of duty for damages of specified telecommunications service provider and disclosure of identification information of senders.

The main issues of the case are [i] copyrightability, [ii] fulfillment of infringement of copyrights, and [iii] presence or absence of obviousness of infringement of rights (the Defendant denied or alleged the Plaintiff's claims without providing specific reasons for each issue.).

The judgment of the case determined on the basis of evidence and the entire import of argument that regarding issue [i], the copyrightability could be recognized, and regarding issue [ii], it could not be said that the adaptation rights were infringed, but it could be said that the public transmission rights were infringed, and regarding [iii], since the use of the illustration in the above post did not fall under a legal quotation (Article 32, paragraph (1) of the Copyright Act), there is "obviousness of infringement of rights", and thus the Plaintiff's claim was approved.