

Date	March 1, 2013	Court	Tokyo District Court, 40th Civil Division
Case number	2010 (Wa) 38003		
– A case where the court recognized that the failure to indicate the names of the authors of the original book as the authors of the books published as separate volumes of the original book constitutes infringement of the right to indicate name of the author of the original book, and accepted the plaintiffs' claim for, among other things, an injunction against the publication of the original book and the separate volumes thereof, as well as the plaintiffs' claim for solatium.			

This is a case where the plaintiffs, i.e., one of the authors of the original book and the heirs of the other author, alleged that, with regard to the original book and separate volumes thereof published by the defendant company, the failure to indicate the name of the authors of the original book as the authors of the separate volumes constitutes infringement of the right to indicate the name of the author of the original book and, demanded, among other things, an injunction against the publication of the original book and the separate volumes thereof on the grounds that the publication agreement had been cancelled due to the existence of the infringement. The plaintiffs also demanded the payment of solatium and the publication of an apologetic advertisement, as well as the return of the publication grant provided to support the publication of the original book and the payment of royalties on the original book and the separate volumes thereof.

The front cover and colophon of the separate volumes, which were published as separate volumes of the original book, show the name of the person who made modifications to create the separate volume, but do not show the name of the authors of the original book. The defendant company alleged that, since the defendant indicated the copy by stating the name of the original book, the names of the authors of the original book, etc., in the front matter of the separate volumes, the indication of the names of the authors of the original book in the separate volumes could be omitted. In the judgment, the court held that such an indication stated in the front matter would not justify the omission of the names of the authors of the original book, and found that the omission constitutes infringement of the right to indicate a name. Based on this finding, the court accepted, among other things, the plaintiffs' claim for an injunction against the publication of the original book and the separate volumes thereof and ordered the payment of solatium. However, the court dismissed the claim for the publication of an apologetic advertisement by holding that it would be unnecessary. The court also dismissed the claims for the return of the publication grant and the payment of

royalties by holding that those claims are groundless.