

Date	February 18, 2002	Court	Tokyo High Court
Case number	1999 (Ne) 5641		13th Civil Division
<p>– A case in which the court determined the copyrightability of calligraphies.</p> <p>– A case in which the court held, with respect to the fact that calligraphies were shown in the pictures printed on advertising brochures for lighting apparatus, that the act of printing said pictures in said brochures cannot be found to infringe the copyrights (right of reproduction and adaptation right) and moral rights of authors (right of attribution and right to integrity) held with respect to said calligraphies.</p>			

References: Article 2, paragraph (1), item (xv), Article 10, paragraph (1), item (iv), Article 19, Article 20, paragraph (1), Article 21 and Article 27 of the Copyright Act  
Number of related rights, etc.: None

### Summary of the Judgment

Deceased P produced the calligraphies in which characters such as "雪月花" are written (the "Works").

The Works are productions in which Deceased P expressed thoughts or sentiments in a creative way and fall under the category of copyright works that belong to the scope of art (artistic works) and Deceased P had acquired the right of reproduction, right of adaptation, right of attribution and right to integrity for these Works. P passed away while the appeal instance was still pending, and appellant Q succeeded to the litigation.

Appellee 1, who is a company engaged in the manufacture and sale or otherwise handling of lighting apparatus, published brochures for lighting apparatus for advertisement of its goods (the "Brochures") and distributed them to electrical workshops, etc. Appellee 2, a company engaged in the planning and production, etc. of advertisement items, produced the Brochures.

In the Brochures, the pictures in which the Works bound as a hanging scroll are photographed in a state hung in the alcove of a Japanese-style room (the "Pictures") are printed.

In this judgment, the court made the following determinations and dismissed the appeal filed by the appellant with respect to the judgment in prior instance which dismissed the appellant's claims.

1. Generally, a calligraphy is regarded as a formative art which enables the person who looks at it to perceive the originality of the shape of the character(s), beauty and subtleness of the lines, beauty in the structure of the characters and the blank, modulation and inflection of the brush strokes, clearness and change in the ink black, power of the brush and eventually the spirituality of the calligrapher through the forms of expression such as the selection of characters?] and calligraphic style, shape, thickness, direction and size of the characters,

overall arrangement and structure as well as the shading of the ink and ink blurring or fading. On the other hand, it is deniable that a calligraphy is subject to expressional limitation based on the basic shapes (character styles and calligraphic styles) of the characters due to its nature that it consists of characters that are not allowed to be monopolized by a specific person due to their intrinsic practical function of transmitting information. Even if the characters are expressed as a calligraphy, it would generally be difficult to find copyrightability in the character style or calligraphic style itself. Thus, not only the character styles and calligraphic styles but also the abovementioned aesthetic factors specific to calligraphy that have been added thereto must show the essential feature of the calligraphy as a copyrighted work, in other words, the part expressing thoughts or sentiments in a creative way. The act of reproducing a work means to reproduce a thing that can sufficiently allow one to perceive the contents and form of an existing work by depending on such work, and photography is one of the means for conducting reproduction (Article 2, paragraph (1), item (xv) of the Copyright Act). When a calligraphy is reproduced by means of photography, in order to find such act of reproduction to constitute a reproduction of the calligraphy by using the attentiveness usually held by an ordinary person as the standard, it should be said that a picture of the calligraphy must have reproduced not only the character style or calligraphic style but also the abovementioned aesthetic factors, such as the originality of the shape of the character(s), beauty and subtleness of the lines, beauty in the structure of the characters and the blank, modulation and inflection of the brush strokes, clearness and change in the ink black, and power of the brush, through the abovementioned form of expression.

2. The image parts of the Works shown in the pictures of the Brochures (the "Work Parts in the Brochures") have been photographed relatively clearly on high-quality paper with beautiful printing without any defocus, but the characters including "雪月花" are only reproduced in a size about 5 to 8 millimeters by about 3 to 5 millimeters, and while the character style and calligraphic style as well as the overall structure may be clearly recognized, it is difficult to conclude that the form of expression such as the shading of the ink and the ink blurring or fading is reproduced.

As such, when an ordinary person looks with ordinary attentiveness at the Work Parts in the Brochures wherein the original Works are only reproduced in a limited scope as mentioned above, it is difficult for the ordinary person to directly perceive the aesthetic factors, such as the beauty and subtleness of the lines, modulation and inflection of the brush strokes, clearness and change in the ink black, and power of the brush, which are regarded as being essentially held by the Works.

Accordingly, it cannot be said that the essential features of the Works as a copyright work of calligraphy, in other words, the part expressing thoughts and sentiments in a creative way,

are reproduced in the Work Parts in the Brochures and thus it should be said that the appellees' act of printing the pictures in which the Works are shown on the Brochures does not constitute an act of reproduction of the Works.

3. The act of adaptation of a literary work means an act of depending on an existing work and maintaining the integrity of the essential expressional feature of such work and newly expressing thoughts or sentiments in a creative way by adding amendments, increases or decreases, or any changes to the specific expression used in such work and thereby creating a new copyright work which is capable of enabling a person who looks at it to directly perceive the essential expressional features of the existing work (judgment of the First Petty Bench of the Supreme Court of June 28, 2001, Minshu Vol. 55, No. 4 at 837). This logic would be no different in the case of artistic works. Moreover, the abovementioned construction is also applicable to the manner in which the essential features are perceived, or in other words, the recognition of the part in which thoughts or sentiments are expressed in a creative way in a calligraphy as a copyright work, in determining whether or not the act of adaptation of a calligraphy as an artistic work has been made.

It is obvious, in light of the determinations on whether or not the act of reproduction has been conducted as mentioned above, that the Work Parts in the Brochures do not maintain the integrity of the essential expressional features of the Works and are not capable of enabling a person who looks at it to directly perceive the essential expressional features of the Works. As such, it should be said that the appellees' act of printing the pictures in which the Works are shown on the Brochures does not constitute an act of adaptation of the Works, either.

4. The Brochures cannot be found to be a reproduction of the Works or derivative works subject to the adaptation of the Works and thus, the effect of the right of attribution and the right to maintain integrity held by Deceased P would not extend to the Brochures. Accordingly, no infringement of the moral rights of author (right of attribution and the right to integrity) held by Deceased P in relation to the Works can be found.

Judgment rendered on February 18, 2002

1999 (Ne) 5641 Appeal Case of Seeking Compensation for Damages (Court of prior instance: Tokyo District Court 1998 (Wa) 14675)

(Date of conclusion of oral argument: December 10, 2001)

#### Judgment

Appellant: Q (Litigation successor of deceased P)

Appellee: ODELIC CO., LTD.

Appellee: DNP Media Create Co., Ltd.

#### Main text

The appeal in question and the claims expanded by the appellant in this instance shall all be dismissed.

The costs of the appeal and the court costs for the claims expanded in this instance shall be borne by the appellant.

#### Facts and reasons

##### No. 1 Judicial decisions sought by the parties

###### 1. Appellant

(1) The judgment in prior instance shall be dismissed.

(2) The appellees shall pay to the appellant 4,940,000 yen and money accrued thereon at the rate of 5% per annum for the period from July 1, 1997 until the completion of payment (the claims pertaining to the part of the abovementioned amount exceeding 4,540,000 yen and money incidental thereto are the claims expanded in this instance).

(3) The court costs for both the first instance and second instance shall be borne by the appellees.

###### 2. Appellees

The same effect as the main text.

##### No. 2 Outline of the case

In this case, deceased P, who is a successee of the appellant (hereinafter referred to as "Deceased P"), alleged that the appellees' act of printing the pictures in which calligraphies, which are copyright works created by Deceased P, in advertising brochures for lighting apparatus and producing and publishing such brochures constitutes infringement of the copyright (right of reproduction or right of adaptation) and moral rights of author (right to determine the indication of the author's name and right to maintain integrity) held by Deceased P with respect to such calligraphies and based on this allegation, Deceased P claimed against the appellees compensation for damages. In response to the judgment in prior instance, which dismissed all of the claims made by Deceased P, Deceased P preliminarily added the allegation of infringement of the right of adaptation to the claims and expanded the claims after filing an

appeal. However, with the death of Deceased P, the appellant succeeded to the litigation.

1. Assumed facts (facts other than those for which evidence is shown are not disputed between the parties)

(1) The Works

By about 1992 or 1993, Deceased P produced the following calligraphies: [i] a calligraphy in which the characters "雪月花" are written as shown in the pictures printed on the upper part of Attached List No. 1 and upper left of Attached List No. 2 (hereinafter such calligraphy shall be referred to as "Work A"); [ii] a calligraphy in which the characters "吉祥" are written as shown in the pictures printed on the lower left of Attached List No. 3 and upper right of Attached List No. 4 (hereinafter such calligraphy shall be referred to as "Work B"); [iii] a calligraphy in which the character "遊" is written as shown in the picture printed on the lower right of Attached List No. 5; [iv] and a calligraphy in which the character "遊" is written as shown in the pictures printed on the lower right of Attached List No. 6, lower part of Attached List No. 7 and upper left of Attached List No. 8 (hereinafter such calligraphy shall be referred to as "Work D" and these works shall be collectively referred to as "Works").

The Works are productions in which Deceased P expressed thoughts or sentiments in a creative way and fall under the category of copyright work that belongs to the scope of art (artistic work) and Deceased P had acquired the right of reproduction, right of adaptation, right to indicate the name and right to maintain integrity for these Works.

(2) The appellees' acts

A. The appellee, ODERIC CO., LTD. (hereinafter referred to as "Appellee Oderic"), is a company engaged in the manufacture and sale or otherwise handling of lighting apparatus. Appellee Oderic published a brochure for lighting apparatus titled "OHYAMA HOME&SHOP LIGHTING 住宅・店舗用照明カタログ' 95 ~ ' 96 (Ōyama Home & Shop Lighting Jūtaku/Tenpo you Katarogu '95 ~ '96 (Ohayama Home & Shop Lighting, brochure for home and shop lighting apparatus for 1995-1996))" in 1995 (hereinafter referred to as the "1995 Brochure"), a brochure for lighting apparatus titled "あかり物語 Lighting Stories House Lighting Catalogue 1996~1997 (Akari monogatari Lighting Stories House Lighting Catalogue)" in June 1996 (hereinafter referred to as the "1996 Brochure") and a brochure for lighting apparatus titled "あかり物語 Lighting Stories House Lighting Catalogue 1997~1998 (Akari monogatari Lighting Stories House Lighting Catalogue)" in June 1997 (hereinafter referred to as the "1997 Brochure" and these brochures shall be collectively referred to as the "Brochures") and distributed these brochures to electrical work shops, etc.

B. The appellee, DNP Media Creates Co., Ltd., which is a company engaged in the planning and production of advertisement goods, produced the Brochures.

C. Attached List No. 1 is a full-scale color copy of page 274 of the 1996 Brochure, Attached

List No. 2 is a full-scale color copy of page 363 of the 1997 Brochure, Attached List No. 3 is a full-scale color copy of page 277 of the 1996 Brochure, Attached List No. 4 is a full-scale color copy of page 361 of the 1997 Brochure, Attached List No. 5 is a full-scale color copy of page 293 of the 1996 Brochure, Attached List No. 6 is a full-scale color copy of page 298 of the 1996 Brochure, Attached List No. 7 is a full-scale color copy of page 66 of the 1997 Brochure and Attached List No. 8 is a full-scale color copy of page 360 of the 1997 Brochure. In all of these pictures, the Works bound as a hanging scroll are photographed in a state hung in the alcove of a Japanese-style room (hereinafter the image parts of the Works shown in the pictures of the Brochures may be referred to as the "Work Parts in the Brochures").

The 1995 Brochure was not submitted as evidence in this action and thus its specific form remains unclear. However, Work A is photographed in the same manner as those shown in Attached Lists No. 1 and No. 2.

In addition, the Brochures show the signature and seal parts of the Works as they are but do not indicate the name of Deceased P to indicate that the Works are copyright works produced by him/her.

D. The abovementioned pictures shown in the Brochures were taken at show houses of a house builder and the Works were placed at these show houses. However, since then, the location of the original of the Works has become unknown and the original has not been submitted as evidence in this litigation (Exhibits Otsu No. 27 and No. 28 and entire import of oral argument).

### (3) Succession

Deceased P passed away on October 13, 2001, while the appeal instance was still pending, and the appellant, who is his/her older sister, independently succeeded to the rights and obligations of Deceased P as the legal successor and also succeeded to the litigation.

### 2. Issues

(1) Whether or not the appellees' act of printing the pictures of the Works on the Brochures falls under an act of reproduction or adaptation of the Works

(2) Whether or not the act of printing the Works falls under the act of quotation as prescribed in Article 32, paragraph (1) of the Copyright Act

(3) Whether or not the abovementioned appellees' act constitutes infringement of the right to determine the indication of the author's name and the right to maintain integrity held by Deceased P in relation to the Works

(4) Whether or not the appellant's act of making the claims for damage in question is an abuse of right

(5) The amount of damages

(Omitted)

No. 4 Court decision

1. Regarding Issue 1 (whether or not an act of reproduction or adaptation has been conducted)

(1) Taking into consideration the abovementioned assumed facts and evidence (Exhibits Ko No. 2, No. 3, No. 6 and No. 10, Exhibits Otsu No. 1 and No. 27 through No. 29 and Objects of Observation Ko No. 1 through No. 7) as well as the entire import of oral argument in a comprehensive manner, the following facts may be found.

A. Deceased P was a calligrapher who was active under the pseudonym "P" and was awarded the recommended award of the Japan Calligraphy Museum Exhibition in 1983, the Asahi Shimbun award for the Kyugosho Memorial Exhibition in 1984 and the Japan Art Museum Award for the Bokutousho Exhibition in 1986 and held a private exhibition at then Seibu Department Store in Kinshicho around 1991.

B. The Brochures were created for advertising lighting apparatus sold by Appellee Oderic. The 1996 and 1997 Brochures are sized about 31 centimeters by about 25.5 centimeters and are voluminous with 500 to 600 pages. They use high quality papers that show pictures well.

The pictures in which the Works are shown in the Brochures are as shown in Attached Lists No. 1 through No. 8 and the subjects of such pictures are Japanese-style rooms in which a table, hanging scroll, flowers arranged in a vase and other items are arranged. In such pictures, an indoor lighting apparatus sold by Appellee Oderic is installed on the ceiling and the Works are photographed as hanging scrolls hung in the back alcove. The pictures are printed beautifully and the subjects including the Works are photographed relatively clearly without any defocus.

These hanging scrolls were originally placed at show houses of a house builder, which were set as the filming locations for the brochure pictures.

C. The structures of the characters, font and the size of the actual paper of the Works are basically as follows.

Work A: The characters "雪月花" are written vertically in two lines in simplified characters on an about 70 to 80 centimeters by about 60 centimeters sized paper

Work B: The characters "吉祥" are written horizontally from right to left in bold and linear font on an about 50 to 60 centimeters by about 50 centimeters sized paper

Works C and D: The character "遊" is written on the center in neat simplified characters on an about 40 centimeters by about 40 centimeters sized paper

D. The size (excluding the mounting part) and the photography angle of the Work Parts in the Brochures are basically as follows.

(Work A "雪月花")

Attached List No. 1: About 18 millimeters by about 13 millimeters, photographed slightly from the right side from the front

Attached List No. 2: About 20 millimeters by about 15 millimeters, same as above  
(Work B "吉祥")

Attached List No. 3: About 9 millimeters by about 8 millimeters, photographed from an about 45 degree angle from the right

Attached List No. 4: About 10 millimeters by about 9 millimeters, same as above  
(Work C "遊")

Attached List No. 5: About 7 millimeters by about 6 millimeters, photographed from an about 30 degree angle from the right  
(Work D "遊")

Attached Lists No. 6 through No. 8: About 9 millimeters by about 7 millimeters, photographed from an about 45 degree angle from the right

E. The size of one character of the Works in the Brochures is basically as follows.

"雪月花": About 7 to 8 millimeters by about 4 to 5 millimeters

"吉祥": About 6 to 7 millimeters by about 3 to 4 millimeters

"遊": About 5 to 6 millimeters by about 4 to 5 millimeters

(2) Regarding the issue of whether or not an act of reproduction has been conducted

A. First of all, the characteristics of calligraphies as a copyright work shall be examined to determine whether or not an act of reproduction has been conducted with respect to the Works.

Generally, a calligraphy is regarded as a formative art which enables the person who looks at it to perceive the originality of the shape of the character(s), beauty and subtleness of the lines, beauty in the structure of the characters and the blank, modulation and inflection of the brush strokes, clearness and change in the ink black, power of the brush and eventually the spirituality of the author through the forms of expression such as the selection of the character style and calligraphic style, shape, thickness, direction and size of the characters, overall arrangement and structure as well as the shade of the ink and ink blurring or fading (the same shall apply hereinafter) (refer to Exhibits Ko No. 14, No. 15, No. 17 and No. 18 as well as Exhibits Otsu No. 20 through No. 25, No. 30, No. 31, No. 34 and No. 35). On the other hand, it is deniable that a calligraphy is subject to expressional limitation based on the basic shapes (character styles and calligraphic styles) of the characters due to its nature that it consists of characters that are not allowed to be monopolized by a specific person due to their intrinsic practical function of transmitting information. Even if the characters are expressed as a calligraphy, it would generally be difficult to find copyrightability in the character style or calligraphic style itself. Thus, character styles and calligraphic styles as well as the abovementioned aesthetic factors specific to calligraphy that have been added thereto must



show the essential feature of the calligraphy as a copyright work, in other words, the part expressing thoughts or sentiments in a creative way. The act of reproducing a work means to reproduce a thing that can sufficiently allow one to perceive the contents and form of an existing work by depending on such work, and photography is one of the means for conducting reproduction (Article 2, paragraph (1), item (xv) of the Copyright Act). When a calligraphy is reproduced by means of photography, in order to find such act of reproduction to constitute a reproduction of the calligraphy by using the attentiveness usually held by an ordinary person as the standard, it should be said that a picture of the calligraphy must have reproduced not only the character style or calligraphic style but also the abovementioned aesthetic factors such as the originality of the shape of the character(s), beauty and subtleness of the lines, beauty in the structure of the characters and the blank, modulation and inflection of the brush strokes, clearness and change in the ink black, and power of the brush through the abovementioned form of expression.

B. When the Work Parts in the Brochures are examined based on such standpoint, although they have been photographed relatively clearly on high-quality paper with beautiful printing without any defocus, they are presumed to have been reduced to a size of about one-fiftieth of the original of the Works based on the comparison of the size of the papers as mentioned in (1)C. and D. above. Specifically, the characters "雪月花," "吉祥" and "遊" are only reproduced in a size about 5 to 8 millimeters by about 3 to 5 millimeters and while the character style and calligraphic style as well as the overall structure may be clearly recognized, it is difficult to conclude that the form of expression such as the shade of the ink and the ink blurring or fading is reproduced. In other words, in this regard, since the original of the Works has not been submitted as evidence in this litigation, it is difficult to make a direct and precise comparison, but when the Objects of Observation Ko No. 1 through No. 4, which are reproductions of the Works that were made by Deceased P him/herself, are examined for reference, for example, the following expressions shown in Subject of Observation Ko No. 4, which is a reproduction of Work A ("雪月花"), may be perceived from the form of expression such as the shade of the ink and the ink blurring or fading: [i] the expression using a slightly blurring dark ink for the first stroke for writing the character "雪"; [ii] the expression for the third stroke of said character shown by using soft simplified characters wherein the horizontal line is slightly faint and patchy on the right side, the brush stroke once stops at the turning part and then the brush stroke is largely flowing to the left side; [iii] the delicate way of starting to write the beginning part of the first stroke for the character "月"; [iv] the expression for the second stroke of said character shown by the dark and thick line of the strong vertical line and the slight faint found along the right side of such line; and [v] the expression in the character "花" showing the flow of the brush generated by the fine void between the part "ノ" on the right

side which is one of the vertical two lines of the grass radical and the part "一" below. However, such delicate expressions are not reproduced in the Work Parts in the Brochures, as well as in the Object of Observation Ko No. 4 when it is reduced to the substantially same size as that of the Work Parts in the Brochures (comparative drawings shown in Exhibit Ko No. 19). At the same time, the following expressions shown in Objects of Observation Ko No. 3, No. 2 and No. 1 may be perceived from the form of expression such as the shade of the ink and the ink blurring or fading: [i] power of the brush in writing the fourth stroke of the character “吉” shown in Object of Observation Ko No. 3, which is a reproduction of Work B (“吉祥”); [ii] the wonder in the way of stopping the bold rectilinear brush of the two vertical lines of the character “祥” shown in Object of Observation Ko No. 3; [iii] the expression of the neat simplified characters that are formed by making a brush stroke unicursally from the character “子,” which is found in the character “遊,” until the part to begin the brush stroke for the part called “shinnyou,” as shown in Object of Observation Ko No. 2, which is a reproduction of Work C (“遊”), and in Object of Observation Ko No. 1, which is a reproduction of Work D (“遊”); and [iv] the expression shown by the free and easy brush stroke as if drawing an arc from the left to the right for the “shinnyou” part associated with a faint and patchy mark. However, such delicate expressions are not reproduced in the Work Parts in the Brochures, as well as in Objects of Observation No. 1 through No. 3 when they are reduced to the substantially same size as that of the Work Parts in the Brochures (comparative drawings in Exhibit Ko No. 19).

As such, when an ordinary person looks with ordinary attentiveness at the Work Parts in the Brochures that have only reproduced the original Works in a limited scope as mentioned above, it must be said that it is difficult for the ordinary person to directly perceive the aesthetic factors such as the beauty and subtleness of the lines, modulation and inflection of the brush strokes, clearness and change in the ink black, and power of the brush that are regarded as being essentially held by the Works. In addition, while the appellant alleges that he/she, who is unfamiliar with calligraphy, found by chance that the Works are photographed in the Catalogues and recognized that they are reproductions of the Works, the issue of whether or not a calligraphy is capable of enabling a person who looks at it to recognize that it is a specific calligraphy of a specific author and the issue of whether or not a person may directly perceive the essential features of the calligraphy as an aesthetic work are issues to be determined based on a different perspective and thus the abovementioned fact does not affect the abovementioned findings and determinations.

Accordingly, it cannot be said that the essential features of the Works as a copyright work of calligraphy, in other words, the part expressing thoughts and sentiments in a creative way, are reproduced in the Work Parts in the Brochures and thus it should be said that the appellees' act

of printing the pictures in which the Works are shown on the Brochures does not constitute an act of reproduction of the Works.

C. The appellant alleges that, since the shape, or in other words, the formativeness is the most important factor of a calligraphy, and its shape is also an essential element for determining whether or not a calligraphy has been reproduced, the formativeness of the calligraphy of the Works is reproduced in the Work Parts in the Brochures. However, as long as a calligraphy is a formative art using characters as its material, as mentioned above, the aesthetic factors that are added to the character style and calligraphic style cannot be unvalued with regard to the essential feature of such calligraphy as a copyright work and if it is construed that the act of reproduction has been conducted by the mere reproduction of the shape of the calligraphy, it could result in affirming copyrightability in the character style or calligraphic style per se. As such, the essential feature, or in other words, the part expressing thoughts or sentiments in a creative way, in the Works as a copyright work of calligraphy must be construed as mentioned above and the appellant's allegation mentioned above cannot be accepted.

Moreover, the appellant alleges that the shade of ink would not come into question with respect to rubbing, seal script ("tensho") and clerical script ("reisho"). However, the general issue of reproduction by rubbing or reproduction of seal script or clerical script has no influence to the abovementioned determinations made for this case, in which the issue of reproduction by such means has not come into question.

(3) Regarding the issue of whether or not the act of adaptation has been conducted

The act of adaptation of a literary work means an act of depending on an existing work and maintaining the integrity of the essential expressional feature of such work and newly expressing thoughts or sentiments in a creative way by making amendments, increase or decrease and changes to the specific expression used in such work and thereby creating a new copyright work which is capable of enabling a person who looks at it to directly perceive the essential expressional features of the existing work (judgment of the First Petty Bench of the Supreme Court of June 28, 2001, Minshu Vol. 55, No. 4 at 837). As such, it should be said that this logic would be no different in the case of aesthetic work. Moreover, it should be construed that the construction mentioned in (2)A. above is applicable to the way of perceiving the essential features, or in other words, the part in which thoughts or sentiments are expressed in a creative way of a calligraphy as a copyright work. Thus, it is obvious, in light of the determinations made in (2) above, that the Work Parts in the Brochures do not maintain the integrity of the essential expressional features of the Works and are not capable of enabling a person who looks at it to directly perceive the essential expressional features of the Works.

As such, it should be said that the appellees' act of printing the pictures in which the

Works are shown on the Brochures does not constitute an act of adaptation of the Works.

(4) Accordingly, the appellant's allegations based on infringement of the copyrights (right of reproduction and right of adaptation) held by Deceased P in relation to the Works are groundless.

2. Regarding Issue 3 (infringement of the right to determine the indication of the author's name and the right to maintain integrity)

The Work Parts in the Brochures do not have the essential features, or in other words, the part expressing thoughts or sentiments in a creative way, of the Works as a copyright work and the Brochures cannot be found to be a reproduction of the Works or derivative works subject to the adaptation of the Works as stated in 1. above. Thus, the effect of the right to determine the indication of the author's name and the right to maintain integrity held by Deceased P would not extend to the Brochures.

Accordingly, the appellant's allegations based on infringement of the moral rights of author (right to determine the indication of the author's name and the right to maintain integrity) held by Deceased P in relation to the Works are also groundless.

3. Conclusion

As described above, the appellant's claims made against the appellees are groundless without the need to determine other points.

Therefore, the Appeal and the claims expanded by the appellant in this instance shall all be dismissed, and the judgment shall be rendered in the form of the main test by applying the main clause of Article 67, paragraph (1) and Article 61 of the Code of Civil Procedure with respect to the bearing of the costs of the Appeal and court costs for the claims expanded in this instance.

Tokyo High Court 13th Civil Division

Presiding judge: SHINOHARA Katsumi

Judge: NAGASAWA Yukio

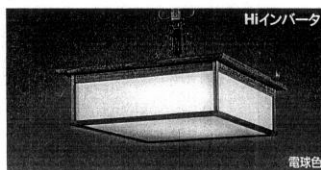
Judge: MIYASAKA Masatoshi

## 桐(時代仕上)

和風シリーズライト



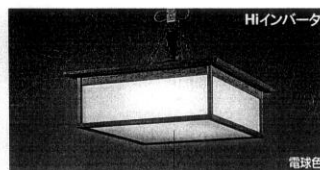
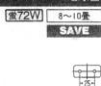
■OP 097 125-OT 021 142



OP 097 125

- 高演色性電球色LED形蛍光灯(40W→30W)
- スイッチ付 全灯100%→全灯約80%→5W→減
- 省(調光仕上)
- 和紙調輸入アクリルシート
- 下部:和紙調輸入アクリル
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- 消費電力80W

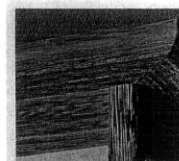
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OP 097 124

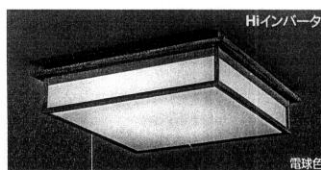
- 高演色性電球色LED形蛍光灯(30W→30W)
- スイッチ付 全灯100%→全灯約80%→5W→減
- 省(調光仕上)
- 和紙調輸入アクリルシート
- 下部:和紙調輸入アクリル
- 径207 高さ2.8g
- 消費電力70W

¥54,800



- 高演色性電球色LED形蛍光灯(40W→30W)
- スイッチ付 全灯100%→全灯約80%→5W→減
- 省(調光仕上)
- 和紙調輸入アクリルシート
- 下部:和紙調輸入アクリル
- 径207 高さ2.8g
- 消費電力80W

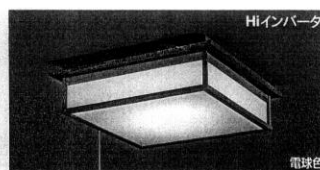
¥59,800



OL 002 172

- 高演色性電球色LED形蛍光灯(40W→30W)
- スイッチ付 全灯100%→全灯約80%→5W→減
- 省(調光仕上)
- 和紙調輸入アクリル
- 径207 高さ2.8g
- 消費電力80W

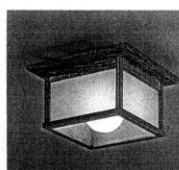
¥69,800



OL 002 171

- 高演色性電球色LED形蛍光灯(30W→30W)
- スイッチ付 全灯100%→全灯約80%→5W→減
- 省(調光仕上)
- 和紙調輸入アクリル
- 径207 高さ2.8g
- 消費電力70W

¥66,800



OL 014 007

- 高演色性電球色LED形蛍光灯(50W×1)E27 No.5B
- 省(調光仕上)
- 和紙調輸入アクリルシート
- 径207 高さ2.8g

¥19,800



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 ●安全のため、掲載写真と同様の取り付け方法以外・指定されたランプ以外のご使用をお避け下さい。  
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 ●お問い合わせ、ご相談はお客様相談室(TEL:03-3352-1123)へどうぞ。

FA

SAVE

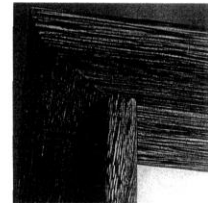
省エネルギー型器具として推奨できる省光器具に表示しました。

【きり】

時代仕上

桐

簾笥で知られる新潟の加茂桐を木柾全体に用い、  
表面に時代仕上げを施しました。



■桐木枠・時代仕上

和・シリーズライト



**リモコン器具** **LED** 人感センサー器具 **A** 明暗センサー器具 **30°** 傾斜天井対応型器具（数字は取付可能傾斜角度です。） **SAVE** 省エネルギー型器具として推奨できる器具

---

**調光・調色ランプ交換可能型器具**（調光・調色機能使用時調光器使用不可） **食卓用としておすすめの器具** **FA** 悪電防止アクリル（ファインアクリル）セード付器具

363

## 白木



**OP 097 134**  
【リモコン付】  
●高演色丸形蛍光灯 (40W+30W)  
●スイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
●消費電力15W  
【消費電力15W】  
¥108,000



**OP 097 133**  
●高演色丸形蛍光灯 (40W+30W)  
●スイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥57,800



**OP 097 132**  
【リモコン付】  
●高演色丸形蛍光灯 (40W+30W)  
●リモコンスイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥69,800



**OP 097 131**  
●高演色丸形蛍光灯 (40W+30W)  
●スイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥47,800



**OP 097 130**  
●高演色丸形蛍光灯 (30W+30W)  
●スイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥38,800



**OL 002 185**  
【滑出しスイッチ付(スライド収納タイプ)】  
●高演色丸形蛍光灯 (25W×5)  
●滑出しスイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥78,000



**OL 002 184**  
【滑出しスイッチ付(スライド収納タイプ)】  
●高演色丸形蛍光灯 (40W+30W)  
●滑出しスイッチ付 全灯100%→全灯約90%→5W→減  
●白木  
●アクリル  
●径260φ 高さ180 4.9kg  
【消費電力15W】  
¥57,800



**OP 035 112**  
●電圧 (80W×1) E26 No.185  
●白木  
●アクリル  
●コード70cm コード収納可能  
●径260φ 高さ220 5.9kg  
¥12,500



**OL 014 011**  
【丸形引掛シーリング付】  
●電圧 (80W×1) E26 No.185  
●白木  
●アクリル  
●径260φ 高さ220 5.9kg  
¥11,500



OL 002 184



人 気の高い白木を用いた繊細な細工と二枚格子と趣やかな乳白アクリルセードの組合せ。是々とした風情と清潔感をたたえる工芸品です。

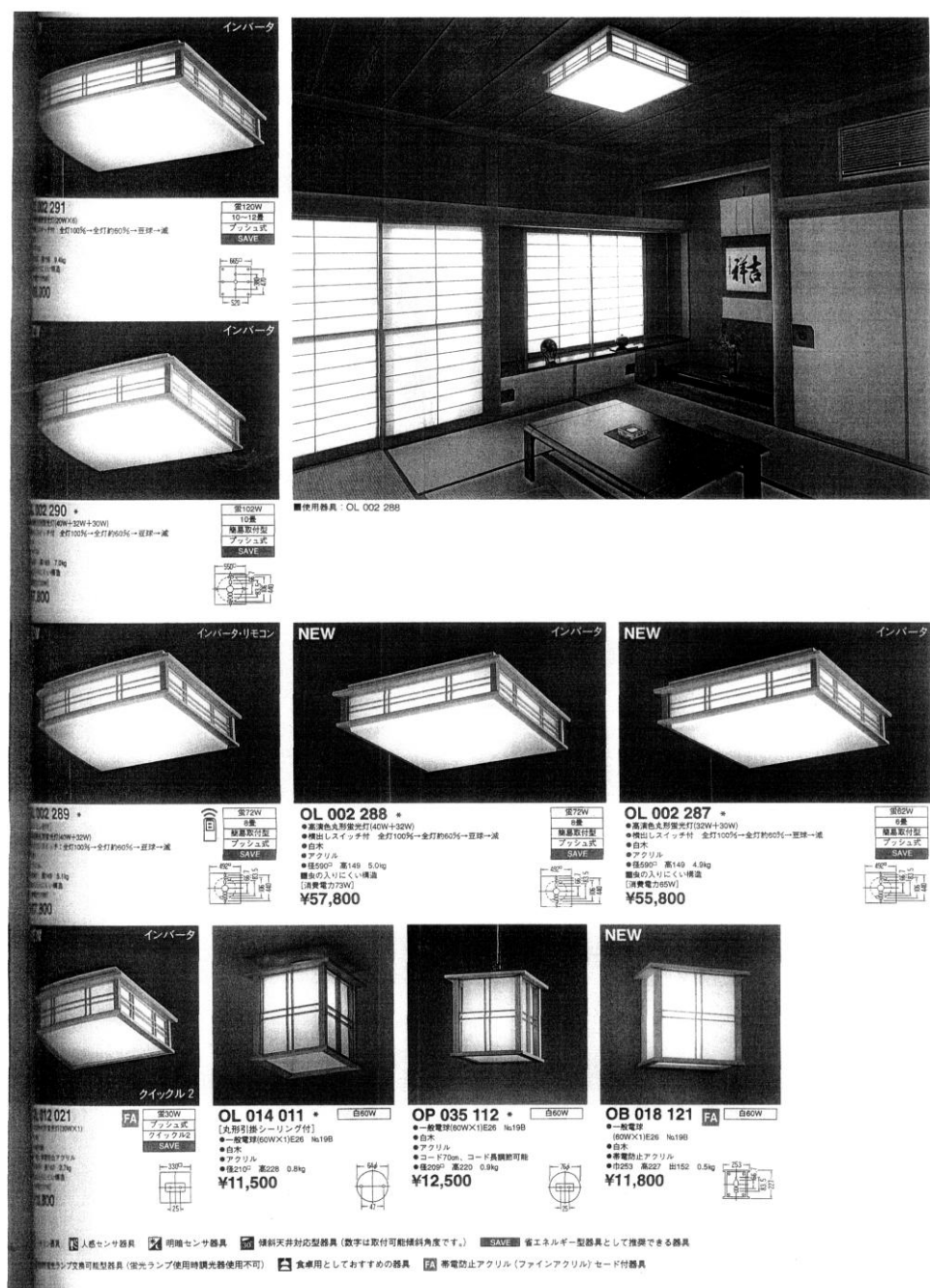
和風シリーズライト

白木、和紙等を使用した製品は自然素材のため環境、色調、形状等がカタログの写真と異なる場合があります。  
 詳細の取り付け、セードの取り外し、取り付けに関してはP.464~474をご覧ください。

●フレンジ：フレンジ内に約40cm分のコードが収納可能なコード収納付フレンジです。  
 コード長調節可能：器具本体にコード収納可能な器具です。

## Attachment

## List No. 4





## 杉 枹

[illegible]

**リモコンの機能を知っておく**

すわったままでも、ベッドの中でも、手元で確実にあかりの調節ができるリモコン照明器具。スイッチひとつで点灯、切替え、消灯が自在におこなえるため、わずらわしきありません。とくに足腰の弱いお年寄りのいるご家庭にとっては、リモコンはちょっとした思いやりの機能といえるでしょう。

※詳しくはP.460をご覧ください。

**リモコンB** **リモコンC** **リモコンD**

**和風ペンダントライト**

**Hiインバータ**

**OP 097 132**  
[リモコン付]  
●電球色丸形蛍光灯 (40W→30W)  
●リモコンスイッチ: 全灯100%・全灯約60%・5W・減  
●日本  
●アクリル  
●サイズ: 幅150 高さ 5.8cm  
[消費電力30W]  
¥69,800

**Hiインバータ**

**OP 097 151**  
[リモコン付]  
●電球色丸形蛍光灯 (40W→30W)  
●リモコンスイッチ: 全灯100%・全灯約60%・5W・減  
●日本  
●アクリル  
●サイズ: 幅170 高さ 5.1cm  
[消費電力30W]  
¥80,000

**Hiインバータ**

**OP 097 150**  
[リモコン付]  
●電球色丸形蛍光灯 (40W→30W)  
●リモコンスイッチ: 全灯100%・全灯約60%・5W・減  
●日本  
●アクリル  
●サイズ: 幅170 高さ 5.4cm  
[消費電力30W]  
¥70,000

**Hiインバータ**

**OP 097 147**  
[リモコン付]  
●電球色丸形蛍光灯 (40W→30W)  
●リモコンスイッチ: 全灯100%・全灯約60%・5W・減  
●日本  
●アクリル  
●コード付(長さ: コード長調整可能)  
●サイズ: 幅150 高さ 5.3cm  
[消費電力30W]  
¥86,000

**Hiインバータ**

**OP 097 126**  
[リモコン付]  
●電球色丸形蛍光灯 (40W→30W)  
●リモコンスイッチ: 全灯100%・全灯約60%・5W・減  
●日本  
●アクリル  
●サイズ: 幅150 高さ 5.1cm  
[消費電力30W]  
¥69,800

■展示場: 木下工務店 新緑谷展示場 / TBS・ハウジング新緑谷会場 / OP 097 132・OB 016 185

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●安全のため、電気工事と同時に取り付けが必要です。●指定されたシチュエーション以外のご使用をお断りします。  
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**SAVE** 節電気の発生を防ぐ節電防止アクリルを使用したほこりのつきにくいセードです。  
●省エネルギー型器具として推進できる省エネルギー器具に認定されました。

**COORDINATE LIGHT**  
和風蛍光灯ペンダントライト  
リモコン  
【空間 / 機能】

**リモコンがあればワンタッチ**

すわったままでも手元で確実にあかりの調節ができるのがリモコンのメリット。足腰の弱いお年寄りにも安心です。

■リモコン付インバータ蛍光灯ペンダント (リモコンB)

リモコンB送信機

手元で確実にあかりの調節ができます。インバータ照明は100%点灯～約90%点灯とステップ調光ができます。さらにプルスイッチでも調光ができます。  
→P.572参照

■該当機種：OP 097-132・OP 097-134・OP 097-147・OP 097-150・OP 097-151・OP 097-172・OP 097-178

■リモコン付電子スターク蛍光灯ペンダントライト (リモコンC)

リモコンC送信機

手元で確実にあかりの調節ができます。電子スタークは全灯～減灯と段階的に明るさを調節できます。  
→P.572参照

■該当機種：OP 097-137・OP 097-145・OP 097-148

66

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- お問い合わせ・ご相談はお客様相談室 (TEL:03-3332-1123) へどうぞ。



■使用器具:OP 097-151



■撮影協力: (株) 木下工務店 新越谷展示場 / TBS・ワイドワング新越谷会場 / OP 097-132・OB 018-185

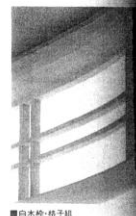
[しらみ]

## 白木

格子組み

白木を用いた細横二本格子。

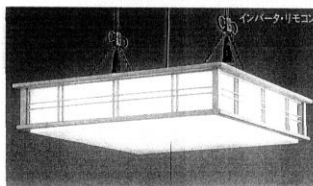
落ち着いた意匠が整々とした風情をたてます。



■白木枠・格子組

和・シリーズライト

■撮影協力：木下工務店 新越谷展示場/TBS・ワタナベ新越谷会場/OP 097 132



## OP 097 134

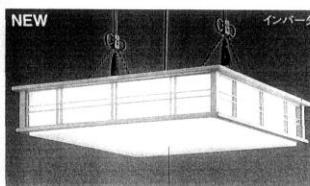
[リモコン付]

- 高演色広形蛍光灯(30W×4)
- リモコンスイッチ：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径522 高165 3.8kg
- 消費電力130W

¥108,000

電120W  
10~12畳  
SAVE  
1-2+1



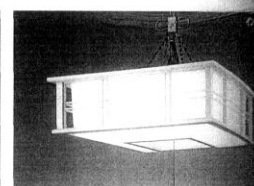
## OP 097 180

- 高演色広形蛍光灯(30W×6)
- スイッチ付：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径522 高164 10.3kg
- 消費電力125W

¥86,000

電120W  
10~12畳  
SAVE  
1-2+1



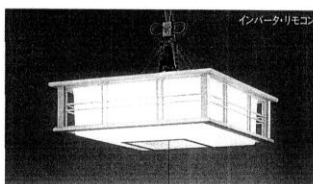
## OP 097 133

- 高演色広形蛍光灯(40W+32W+30W)
- スイッチ付：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径502 高160 4.3kg
- 消費電力110W

¥57,800

電120W  
10~12畳  
SAVE  
1-2+1



## OP 097 132

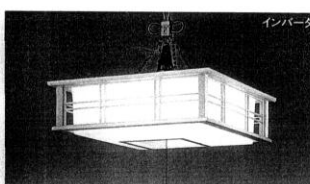
[リモコン付]

- 高演色広形蛍光灯(40W+32W)
- リモコンスイッチ：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径522 高165 3.8kg
- 消費電力140W

¥69,800

電72W  
8~10畳  
SAVE  
1-2+1



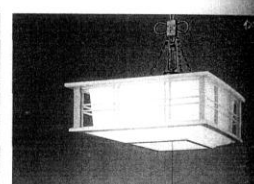
## OP 097 131

- 高演色広形蛍光灯(40W+32W)
- スイッチ付：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径522 高165 3.5kg
- 消費電力80W

¥47,800

電72W  
8~10畳  
SAVE  
1-2+1



## OP 097 130

- 高演色広形蛍光灯(32W+30W)
- スイッチ付：全灯100%→全灯約80%→豆球→滅

- 白木
- アクリル
- 径482 高165 2.8kg
- 消費電力70W

¥38,800

電72W  
8~10畳  
SAVE  
1-2+1

360

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●商品の保守・点検は、商品に同梱されている「取組説明書」をよくお読みのうえ行ってください。

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