Copyright	Date	December 8, 2021	Court	Intellectual Property High Court, First Division
	Case number	2021 (Ne) 10044		
- A case in which the court determined that an octopus-shaped slide does not fall under an artistic work.				

Case type: Claim for compensation, etc.
Result: Appeal dismissed
References: Article 2, paragraph (1), item (i) and paragraph (2), and Article 10, paragraph (1), item (iv) of the Copyright Act
Court of prior instance: Tokyo District Court, 2019 (Wa) 21993

Summary of the Judgment

1. In this case, the Appellant alleged that an octopus-shaped slide (the "Plaintiff's Slide") that was manufactured by a non-party company falls under an artistic work and that the act of the Appellee that manufactured octopus-shaped slides falls under an infringement of the copyright (right of reproduction or adaptation right) related to the Plaintiff's Slide that was transferred to the Appellant from the non-party company, and based on this allegation, the Appellant demanded that the Appellee pay compensation for damages based on the tort.

The court of prior instance determined that the Plaintiff's Slide does not fall under an artistic work and dismissed the claim of the Appellant. Dissatisfied with the judgment in prior instance, the Appellant filed this appeal (the "Appeal").

2. In this judgment, the court held as outlined below concerning whether the Plaintiff's Slide falls under an artistic work, and dismissed the Appeal.

(1) Article 2, paragraph (1), item (i) of the Copyright Act stipulates that "work" means "a creatively produced expression of thoughts or sentiments that falls within the literary, academic, artistic, or musical domain" and Article 10, paragraph (1), item (iv) of the same Act stipulates "paintings, woodblock prints, sculptures, and other works of fine art" as examples of works as set forth in the Copyright Act. Therefore, a creation "that falls within" "the artistic domain" as set forth in Article 2, paragraph (1), item (i) of said Act is understood be a creatively produced expression of thoughts or sentiments that can be subject to an aesthetic appreciation. Even in the case of a creation that is produced for the purpose of being used in practice and cannot be called pure art that is produced solely for the purpose of aesthetic appreciation, if it can be the subject of aesthetic appreciation, the creation is found to be one "that falls within" "artistic

domain" as applied art.

Next, applied art includes a work of artistic craftsmanship, which is manufactured by a craftsman as only one original piece, and mass-produced products. The Copyright Act stipulates that "artistic work" as set forth in the same Act includes works of artistic craftsmanship (Article 2, paragraph (2) of the same Act), but there are no other provisions concerning applied art other than works of artistic craftsmanship.

In light of the definitions of a work as set forth in Article 2, paragraph (1), item (i) of the Copyright Act as above, if a work can be subject to aesthetic appreciation and is a creatively produced expression of thoughts or sentiments, it is natural to understand that such work is included in artistic works. Therefore, it is understood that paragraph (2) of said Article is a provision to present an example where a work of artistic craftsmanship is protected as an artistic work. On the other hand, if mass-produced products other than works of artistic craftsmanship among applied art are protected uniformly as artistic works only because they can be subject to aesthetic appreciation, the structure of forms, etc. necessary for achieving the function of a practical article is to be also protected by the copyright and the use of form, etc. of the article is excessively restricted and it hinders future creative activities and, therefore, it is not appropriate. However, even if an article has such a form, etc., but reminds people who see it of a sense of beauty, it is not denied that said form, etc. may also be protected as a design under the Design Act.

Based on the above, if a part of applied art that is other than a work of artistic craftsmanship has a creative expression, which is an aesthetic feature that can be subject to aesthetic appreciation, and can be identified by separating it from the structure related to the function necessary for achieving a practical purpose, it is reasonable to understand that the creation as a whole including said part can be protected as an artistic work.

(2) A. Concerning the canopy part that is placed to cover the top of the openings to which a sliding unit is connected, out of the part imitating the head of an octopus of the Plaintiff's Slide, the relevant canopy part can be said to be identified separately from the structure related to the function necessary for achieving the practical purpose of the slide. However, although its shape is nearly semi-spherical and slightly tilted backwards from the top of the head and it reminds people of the head of an octopus, the shape is simple and is common as the shape of the head of an octopus and, therefore, it cannot be found to have a creative expression, which is an aesthetic feature.

Based on the above, concerning the part imitating the head of an octopus of the Plaintiff's Slide, it is not found that a part that has a creative expression, which is an

aesthetic feature that can be subject to an aesthetic appreciation, can be identified by separating it from the structure related to the function necessary for achieving the practical purpose.

B. Concerning parts that compose the Plaintiff's Slide (the part imitating the head of an octopus, the parts imitating legs of an octopus, and the hollow part), none of them is found to have a creative expression, which is an aesthetic feature that can be subject to aesthetic appreciation, that can be identified by separating it from the structure related to the function necessary for achieving the practical purpose.

In addition, concerning the overall shape of the Plaintiff's Slide, which is a combination of each of the aforementioned parts, the shape cannot be found to be subject to an aesthetic appreciation nor can be found to be equipped with a creative expression that is an aesthetic feature.

Consequently, the allegation of the Appellant that the Plaintiff's Slide falls under an artistic work cannot be adopted.

Judgment rendered on December 8, 2021
2021(Ne)10044, Appeal case of seeking injunction against copyright infringement
(Court of prior instance: Tokyo District Court, 2019 (Wa) 21993)
Date of conclusion of oral argument: September 27, 2021

Judgment

Appellant: Maeda Environmental Art Co., Ltd.

Appellee: ans Co., Ltd.

Main text

1. The Appeal shall be dismissed.
2. The Appellant shall bear the cost of the appeal.

Facts and reasons

No. 1 Object of the appeal

1. The judgment in prior instance is rescinded.
2. (1) Principal claim

The Appellee shall pay to the Appellant 4,320,000 yen and the amount accrued on the portion of 2,160,000 yen at 5% per annum for the period from April 17, 2012 until the completion of payment and the amount accrued on the portion of 2,160,000 yen at 5% per annum for the period from February 12, 2015 until the completion of payment.
(2) Alternative claim

The Appellee shall pay to the Appellant 4,320,000 yen and an amount accrued thereon at 5% per annum for the period from September 5, 2019 until the completion of payment.

No. 2 Outline of the case

1. Summary of the case

In this case, the Appellant alleged that an octopus-shaped slide that is manufactured by Maeda Environmental Art Co., Ltd. (its former business name "Kabushiki Kaisha Maeda Shoji"; hereinafter referred to as "Maeda Shoji") as indicated in Attachment 1 "List of the Plaintiff's Slide" (hereinafter the slide is referred to as the "Plaintiff's Slide") falls under an artistic work or architectural work and that the act of the Appellee that manufactured two pieces of an octopus-shaped slide as indicated in Attachment 2 "List

of the Defendant's Slides" (hereinafter collectively referred to as the "Defendant's Slides"; the slide indicated in said List 1 shall be referred to as "Defendant's Slide 1" and the slide indicated in said List 2 shall be referred to as "Defendant's Slide 2") falls under an infringement of the copyright (right of reproduction or adaptation right) related to the Plaintiff's Slide that was transferred to the Appellant from Maeda Shoji, and based on this allegation, the Appellant principally demanded that the Appellee pay 4,320,000 yen as compensation for damages based on the tort of copyright infringement and the amount accrued on the portion of 2,160,000 yen at 5% per annum as provided for by the Civil Code before amendment by Act No. 44 of 2017 (hereinafter referred to as "specified by the Civil Code before the amendment") for the period from April 17, 2012 (manufacturing date of Defendant's Slide 2, which is the date of the tort) until the completion of payment and the amount accrued on the portion of 2,160,000 yen at 5% per annum as specified by the Civil Code before the amendment for the period from February 12, 2015 (manufacturing date of Defendant's Slide 1, which is the date of the tort) until the completion of payment as delay damages, and alternatively demanded that the Appellee return the profit of 4,320,000 yen as a claim to seek return of unjust enrichment and the amount accrued thereon at 5% per annum as specified by the Civil Code before the amendment for the period from September 5, 2019 (the day following the day on which the complaint was served) until the completion of payment as delay damages.

The court of prior instance determined that the Plaintiff's Slide does not fall under either an artistic work or architectural work and therefore the principal claim of the Appellant is groundless, and that it is not found that the Appellant suffered damages of an amount equivalent to the order volume of the Defendant's Slides and therefore the alternative claim of the Appellee is also groundless, and dismissed all of the Appellant's claims.

Dissatisfied with the judgment in prior instance, the Appellant filed this appeal.

2. Basic facts

The basic facts are as indicated in No. 2, 2. in the "Facts and reasons" section of the judgment in prior instance, except for the corrections as indicated below, and therefore they are cited.

(1) The section from "The Plaintiff's" in line 1 through the end of line 2 on page 3 of the judgment in prior instance is deleted and the phrase, "filed a petition for civil rehabilitation proceedings" in line 4 on the same page is corrected to "filed a petition for commencement of civil rehabilitation proceedings".

(2) The phrase, "Since its foundation", in line 13 on page 3 of the judgment in prior

instance is corrected to "Since its foundation on June 28, 1963", and the phrase, "delivered", in line 19 on the same page is corrected to "delivered. There are more than 260 units of octopus-shaped slides manufactured by said company throughout Japan".
(3) The section from "(hereinafter" in line 4 on page 4 through "'the Plaintiff's Slide')" in line 5 on the same page of the judgment in prior instance is corrected to "('the Plaintiff's Slide')"; the section from "Attachment 2" in line 11 on the same page through "'Defendant's Slide 1')" in line 12 on the same page is corrected to "Defendant's Slide 1"; and the section from "Attachment 2" in line 20 on the same page through "'the Defendant's Slides')" in line 22 on the same page is corrected to "Defendant's Slide 2", respectively.
(4) At the end of line 6 on page 5 of the judgment in prior instance, the phrase "The court made a judgment to dismiss all of the Appellant's claims on October 11, 2013 and the judgment subsequently became final and binding." is added.
3. Issues
(1) Whether the right to claim compensation for damages based on the tort of copyright infringement exists or not (Issue 1)
A. Whether the Plaintiff's Slide falls under an artistic work or not (Issue 1-1)
B. Whether the Plaintiff's Slide falls under an architectural work or not (Issue 1-2)
C. Whether the Appellant obtained a copyright for the Plaintiff's Slide or not (Issue 1-3)
D. Whether an act of copyright infringement by the Appellee exists or not (Issue 1-4)
E. Whether intention or negligence of the Appellee exists or not (Issue 1-5)
F. The amount of damage sustained by the Appellant (Issue 1-6)
G. Whether the extinctive prescription is established or not (Issue 1-7)
(2) Whether the right to claim the return of unjust enrichment exists or not (Issue 2) (related to the alternative claim)
A. Whether there is a legally causal relationship between damages and profits or not (Issue 2-1)
B. Whether there is a legal cause or not (Issue 2-2)

(omitted)

No. 3 Judgment of this court
1. Issue 1 (Whether the right to claim compensation for damages based on the tort of copyright infringement exists or not)
(1) Issue 1-1 (Whether the Plaintiff's Slide falls under an artistic work or not)

The basic facts are as indicated in No. 3, 1. (1) in the "Facts and reasons" section of the judgment in prior instance, except for the corrections as indicated below, and therefore they are cited.

A. The phrase, "when users", in line 18 on page 27, of the judgment in the prior instance is corrected to "at the back when users", and the section from "In addition" in line 25 on the same page through the end of line 15 on page 29 is corrected as follows:

"B. As it is found in A. above, the Plaintiff's Slide is found to be manufactured for the purpose of being used in practice as playground equipment.

By the way, Article 2, paragraph (1), item (i) of the Copyright Act stipulates that 'work' means 'a creatively produced expression of thoughts or sentiments that falls within the literary, academic, artistic, or musical domain' and Article 10, paragraph (1), item (iv) of the same Act stipulates 'paintings, woodblock prints, sculptures, and other works of fine art' as examples of works as set forth in the Copyright Act. Therefore, a creation 'that falls within' 'artistic domain' as set forth in Article 2, paragraph (1), item (i) of the same Act is understood be a creatively produced expression of thoughts or sentiments that can be subject to an aesthetic appreciation. Even in the case of a creation that is produced for the purpose of being used in practice and cannot be called pure art that is produced solely for the purpose of aesthetic appreciation, if it can be the subject of aesthetic appreciation, the creation is found to be one 'that falls within' 'artistic domain' as applied art.

Next, applied art includes a work of artistic craftsmanship, which is manufactured by a craftsman as only one original piece, and mass-produced products. The Copyright Act stipulates that 'artistic work' as set forth in the same Act includes works of artistic craftsmanship (Article 2, paragraph (2) of the same Act) but there are no other provisions concerning applied art other than works of artistic craftsmanship.

In light of the definitions of a work as set forth in Article 2, paragraph (1), item (i) of the Copyright Act as above, if a work can be subject to aesthetic appreciation and is a creatively produced expression of thoughts or sentiments, it is natural to understand that such work is included in artistic works. Therefore, it is understood that paragraph (2) of said Article is a provision to present an example where a work of artistic craftsmanship is protected as an artistic work. On the other hand, if mass-produced products other than works of artistic craftsmanship among applied art are protected uniformly as artistic works only because they can be subject to aesthetic appreciation, the structure of forms, etc. necessary for achieving the function of a practical article is to be also protected by the copyright and the use of form, etc. of the article is excessively restricted and it hinders future creative activities and, therefore, it is not appropriate.

However, even if an article has such a form, etc., but reminds people who see it of a sense of beauty, it is not denied that said form, etc. may also be protected as a design under the Design Act.

Based on the above, if a part of applied art that is other than a work of artistic craftsmanship has a creative expression, which is an aesthetic feature that can be subject to aesthetic appreciation, and can be identified by separating it from the structure related to the function necessary for achieving a practical purpose, it is reasonable to understand that the creation as a whole including said part can be protected as an artistic work.

Based on the above, whether the Plaintiff's Slide falls under an artistic work or not is determined below.

C. The Appellant alleged that the Plaintiff's Slide should be called only one product manufactured by a craftsman and falls under 'a work of artistic craftsmanship' (Article 2, paragraph (2) of the Copyright Act), and that as it has creativity, it falls under an artistic work.

When examining this allegation, the following statements are found: [i] the article of Asahi Shimbun dated July 7, 2011 titled 'Octopus-shaped Slide Goes to Northern Europe' (Exhibit Ko 4) contains a comment from Chairperson B of the Appellant, 'Each octopus-shaped slide has a different design and it is designed each time.'; [ii] the article of Mainichi Shimbun dated July 11, 2020 written by C titled 'The Story of an Octopus-shaped Slide' (Exhibit Ko 25) contains a statement concerning the octopus-shaped slide, 'It is said that each one is handmade and all products have different shape.'; and [iii] the article on the website of Parkful Co., Ltd. dated January 3, 2018 and titled 'Feature: Parks with an Octopus-shaped Slide across Japan!' (Exhibit Otsu 24) contains a statement concerning octopus-shaped slides, 'It is reported that all octopus-shaped slides are handmade and no two are the same!'

However, the aforementioned statements in each piece of evidence are the comment from Chairperson B or hearsay and lack objective support. On the other hand, as mentioned in Basic facts (2) and (3) above, the following facts are found: there are more than 260 units of octopus-shaped slides manufactured by Maeda Shoji based on orders from all over Japan; a basic structure of octopus-shaped slides manufactured by Maeda Shoji has been established; they are classified into multiple types based on size, structure, etc., and the Plaintiff's Slide belongs to one of the types, 'mini-octopus.' These facts suggest that other slides with the same shape of 'mini-octopus' as the Plaintiff's Slide were also manufactured. Then, it cannot be found immediately based on each of the aforementioned evidence that the Plaintiff's Slide is only one product manufactured

by a craftsman. No other evidence than the above is found.

Therefore, it is not found that the Plaintiff's Slide falls under 'a work of artistic craftsmanship' and the aforementioned allegation of the Appellant lacks its premise and is groundless.

D. The Appellant alleged that even if the Plaintiff's Slide does not fall under 'a work of artistic work,' it is applied art that is protected as an artistic work.

First, concerning the Plaintiff's Slide, we examine whether a part that has a creative expression, which is an aesthetic feature that can be subject to aesthetic appreciation, can be identified by separating it from the structure related to the function necessary for achieving the practical purpose, and then determine whether the Plaintiff's Slide as a whole falls under an artistic work or not."

B. The phrase, "slightly tilted backwards from the front", in line 23 on page 29 of the judgment in prior instance is corrected to "slightly tilted backwards".

C. The section from line 7 through line 21 on page 30 of the judgment in prior instance is corrected as follows:

"As mentioned above, the part imitating the head of an octopus is installed on the highest part of the Plaintiff's Slide. It can be said that each of the aforementioned openings that is installed in said part constitutes an essential structure to connect the sliding unit, etc. to said part so that users can slide down and constitutes a structure necessary for achieving the practical purpose of the slide. In addition, since the aforementioned hollow constitutes a structure necessary for users who climb up to said part to move to each of the aforementioned openings and to the sliding unit, and it has a structure that it is enclosed except for the openings, it can be said that it has the function of preventing users from falling from the floor which is like a stair landing in an elevated location. On the other hand, concerning the nearly semi-spherical canopy part that is placed above the openings to which a sliding unit is connected in order to cover the openings in the aforementioned hollow, it cannot be said to be a structure necessary for achieving a practical purpose of the slide, such as preventing users from falling.

Based on the above, concerning the aforementioned canopy part of the part imitating the head of an octopus of the Plaintiff's Slide, it can be said that the part can be identified by separating it from the structure related to the function necessary for achieving the practical purpose of the slide.

However, the shape of the aforementioned canopy part is nearly semi-spherical and slightly tilted backwards from the top of the head as indicated in Attachment 1 and it reminds people of the head of an octopus; however, the shape is simple and is common

as the shape of the head of an octopus.

Therefore, the aforementioned canopy part is not found to have a creative expression, which is an aesthetic feature.

In addition, concerning the part other than the aforementioned canopy part among the part imitating the head of an octopus of the Plaintiff's Slide, it can be said that said part is the structure related to the function necessary for achieving the practical purpose of the slide, as mentioned above. Therefore, it should be said that said part cannot be identified to have a creative expression, which is an aesthetic feature that can be subject to an aesthetic appreciation, by separating it from the structure.

Based on the above, concerning the part imitating the head of an octopus of the Plaintiff's Slide, it is not found that a part that has a creative expression, which is an aesthetic feature that can be subject to an aesthetic appreciation, can be identified by separating it from the structure related to the function necessary for achieving the practical purpose."

D. The section from line 8 through line 12 on page 31 of judgment in the prior instance is corrected as follows:

"Then, concerning the parts imitating legs of an octopus of the Plaintiff's Slide, it can be said that they constitute a structure necessary for using it as playground equipment for users to slide down by sitting thereon. Therefore, concerning said parts imitating legs of an octopus, it is not found that a part that has a creative expression, which is an aesthetic feature that can be subject to aesthetic appreciation, can be identified by separating it from the structure related to the function necessary for achieving the practical purpose."

E. The phrase, "artistic appreciation", in line 24 on page 31 of the judgment in prior instance is corrected to "aesthetic appreciation", and the phrase, "aesthetic feature", in line 25 on the same page is corrected to "a creative expression that is an aesthetic feature".

F. The section from line 2 on page 32 through line 3 on page 33 of the judgment in prior instance is corrected as follows:

"As mentioned in (A) through (C) above, concerning each part that composes the Plaintiff's Slide, it is impossible to identify a part that has a creative expression, which is an aesthetic feature that can be subject to an aesthetic appreciation, by separating it from the structure related to a function necessary for achieving the practical purpose.

In addition, concerning the overall shape of the Plaintiff's Slide, which is a combination of each of the aforementioned parts, the shape cannot be found to be subject to an aesthetic appreciation nor can be found to be equipped with a creative

expression that is an aesthetic feature.

Consequently, the allegation of the Appellant that the Plaintiff's Slide falls under an artistic work cannot be adopted."

G. The phrase, "(F)", in line 4 on page 33 of the judgment in prior instance is corrected to "(E)", and the following is added as a new line after the end of line 1 on page 34:

"(F) In addition, the Appellant alleged as follows: even based on the criteria that applied art in which 'a part that has an aesthetic feature, which can be subject to aesthetic appreciation, can be identified by separating it from the structure related to the function necessary for achieving the practical purpose' should be protected as an "artistic work,; the expression "by separating it from the structure related to the function necessary for achieving the practical purpose" should be interpreted to mean not to remove the relevant component physically, but to look at a creation by ideally ignoring its structure that fulfills the necessary function as a practical item; when looking at the Plaintiff's Slide by removing its function as a slide, the form is a creative expression of the thoughts or sentiments of A as a sculptor, and it can fully be subject to appreciation as abstract art and has an aesthetic feature, which can be subject to an aesthetic appreciation; accordingly, the Plaintiff's Slide falls under an artistic work.

However, since the Plaintiff's Slide is a creation manufactured for the purpose of being used in practice as playground equipment, when determining whether it falls under an artistic work or not, it cannot be examined by ideally ignoring its structure that fulfills the function as a slide, which is a practical item. Therefore, the aforementioned allegation of the Appellant cannot be adopted."

H. The phrase, "D", in line 2 on page 34 of the judgment in prior instance is corrected to "E".

(2) Issue 1-2 (Whether the Plaintiff's Slide falls under an architectural work or not)

The basic facts are as indicated in No. 3, 1. (2) in the "Facts and reasons" section of the judgment in prior instance, except for the corrections as indicated below, and therefore they are cited.

A. The section from "In addition" in line 9 on page 34 through "not defined" in line 11 on the same page of the judgment in the prior instance is changed as follows:

"By the way, Article 10, paragraph (1), item (v) of the Copyright Act stipulates 'an architectural work' as an example of works as referred to in the same Act. The term 'architectural work' is interpreted to be an aesthetic figure that is expressed in the appearance of architecture."

B. The section from "For this reason" in line 11 on page 34 through "when considering the meaning of an 'architectural work'" in line 12 on the same page of the judgment in

prior instance is corrected to "In addition, the meaning of 'architectural' as used in 'architectural work', and the phrase, 'architectural art', in line 25 on the same page is corrected to 'those fall within the artistic domain'."

C. The phrase, "(1) A. above", in line 3 on page 35 of the judgment in prior instance is corrected to "(1) B. above"; the phrase, "an aesthetic feature, which can be subject to an aesthetic appreciation", in line 6 on the same page is corrected to "a creative expression, which is an aesthetic feature that can be subject to an aesthetic appreciation", and the section from "In addition" in line 10 through the end of line 16 on the same page is deleted.

D. The phrase, "Consequently", in line 17 on page 35 of the judgment in prior instance is corrected to "Therefore"; the phrase, "an aesthetic feature, which can be subject to an aesthetic appreciation", in lines 18 to 19 on the same page is corrected to "a creative expression, which is an aesthetic feature that can be subject to an aesthetic appreciation", and the following is added as a new line after the end of the same page:

"In addition, it cannot be found that the overall appearance of the Plaintiff's Slide can be subject to an aesthetic appreciation and that it has a creative expression, which is an aesthetic feature.

Consequently, the allegation of the Appellant that the Plaintiff's Slide falls under an architectural work cannot be adopted."

E. The section from line 24 on page 35 through line 4 on page 36 of the judgment in prior instance is corrected as follows:

"However, in light of the explanations in A. and B. above, the aforementioned allegation of the Appellant cannot be adopted."

(3) Summary

The summary is as indicated in No. 3, 1. (3) in the "Facts and reasons" section of the judgment in prior instance and therefore it is cited.

2. Issue 2 (Whether the right to claim the return of unjust enrichment exists or not) (related to the alternative claim)

The section from "if the Plaintiff suffers" in line 18 through the end of line 20 on page 36 of the judgment in prior instance is corrected to "it cannot be found that there is a legally causal relationship between the loss of the amount equivalent to order volume and the profits that the Appellee received as alleged by the Appellant."; and the remaining basic facts are as indicated in No. 3, 2. in the "Facts and reasons" section of the judgment in prior instance and therefore they are cited.

3. Conclusion

As mentioned above, there are no grounds for both the principal claim and

alternative claim of the Appellant and therefore the judgment in prior instance that dismissed these claims is appropriate.

Consequently, there are no grounds for this appeal and therefore it is dismissed, and the judgment is rendered as indicated in the main text.

Intellectual Property High Court, First Division
Presiding judge: OTAKA Ichiro
Judge: KOBAYASHI Yasuhiko
Judge: OGAWA Takatoshi

(Attachment 1)

List of the Plaintiff's Slide

1. The Plaintiff's Slide

(1) Installation site: Ozaki Park 3, 5 Satsuki-cho, Ako City, Hyogo

(2) Configuration: Width: 5.5 meters, Depth: 5 meters, Height: 3.5 meters

A. Front view

B. Right side view

C. Left side view

D. Back view

(Attachment 2)

List of the Defendant's Slides

1. Defendant's Slide 1

(1) Installation site: Minami-cho 1-chome Park, 1-1489, Minami-cho, Higashi-kurume City, Tokyo, etc.

(2) Configuration: Width: 7.6 meters, Depth: 5 meters, Height: 3.5 meters

A. Front view

B. Right side view

C. Left side view

D. Back view

2. Defendant's Slide 2

(1) Installation site: Kaminumata Higashi Park, 6-10-1, Kohoku, Adachi Ward, Tokyo

(2) Configuration: Width: 5.5 meters, Depth: 5 meters, Height: 3.5 meters

A. Front view

B. Right side view

C. Left side view

D. Back view