

Copyright	Date	February 28, 2024	Court	Tokyo District Court, 46th Civil Division
	Case number	2023 (Wa) 70135		
- A case in which the court accepted a demand for disclosure of sender identification information in relation to a person who provided a link to an image that was on a website on which a captured image of a video, for which the Plaintiff holds the copyright, was posted and thereby made a post to make it possible to display the image.				

### Summary of the Judgment

In this case, the Plaintiff who holds copyright for a video made a demand for disclosure of sender identification information against the Defendant who is an access provider under Article 5, paragraph (1) of the Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information, alleging that it is clear that an unidentified person, who posted a captured image of the video that had been illegally posted on a website on another website in the form of an inline link, infringed the Plaintiff's moral rights of an author (right of attribution) through distribution of information or made it easy to infringe the Plaintiff's copyright (right to transmit to the public).

The issue of this case is whether infringement of rights is obvious, specifically, [i] whether the post made by the unidentified person does not indicate the Plaintiff's pseudonym and can be considered to have thereby infringed the Plaintiff's right of attribution and [ii] whether it can be said that the post made by the unidentified person aided infringement of the right to transmit to the public by the original posting of an illegally captured image. In this judgment, regarding Issue [i], the court ruled as follows: the Plaintiff is the author; and the post made by the unidentified person, which does not infringe the right to transmit to the public by itself, also falls under "making a work available or presented to the public," and this does not fall under the case where the name of the author may be omitted as referred to in Article 19, paragraph (3) of the Copyright Act. Based on this ruling, the court found the establishment of infringement of the right of attribution and upheld the Plaintiff's claim without making a determination on Issue [ii].

Incidentally, the Plaintiff is a person who had operated a fan club site, as well as services, including YouTube, Niconico Channel, and Fantia, and the pseudonym that

was disputed in this case is a name that indicates a streamer, etc. However, in this judgment, the court found that the relevant name is used not only to indicate the streamer but also to indicate the Plaintiff's pseudonym as an author, taking into account the fact that the performer in these videos and that in the video in question appear to be the same person and that for all of those videos, the Plaintiff is the performer and is also considered to be the author. The court then found the establishment of infringement of the Plaintiff's right of attribution in relation to the failure to indicate the pseudonym.