

Copyright	Date	May 30, 2024	Court	Osaka District Court, 21st Civil Division
	Case number	2023 (Wa) 531		
- A case in which a claim for compensation for damage based on the infringement of the author's moral right (right to integrity) related to the script for a movie was partially upheld.				

### Summary of the Judgment

In this case, the Plaintiff alleged that the Defendant's act of changing the content of a script (the 10th draft) of a movie created by the Plaintiff without permission infringes the author's moral right (right to integrity) of the Plaintiff, requested from the Defendant the payment of compensation for damage based on the tort and delay damages accrued thereon, and also requested that the Defendant post apology ads as a measure for restoration of honor based on Article 115 of the Copyright Act (the Plaintiff also filed litigation against a film production company and a distribution company as the defendants; however, judicial settlements were established with these defendants, including clauses for the payment of settlement money, etc.).

The issues in this case are [i] whether the author's moral right (right to integrity) of the Plaintiff has been infringed; [ii] whether the Plaintiff suffered any damage and the amount thereof; and [iii] the necessity of posting apology ads.

In this case, concerning Issue [i], the court rejected the Defendant's allegation that there was the Plaintiff's comprehensive consent concerning the modification of the 8th draft and after, and found that at least the relevant persons shared the precondition that if the Defendant intended to make any substantial changes to the script of the 8th draft and after, including the 10th draft, the Plaintiff's consent would be required on an individual basis. Then, the court determined that the change of the 10th draft to the 12th draft by the Defendant is the addition of modifications to their external forms of expression while maintaining essential characteristics in the form of expression of the 10th draft and constitutes substantial changes; however, as it is obvious that the Defendant did not obtain the Plaintiff's consent, the aforementioned changes fall under modifications against the Plaintiff's intention related to the 10th draft and infringe the Plaintiff's right to integrity.

In addition, concerning Issue [ii], the court found that the Plaintiff suffered emotional distress due to the infringement of its right to integrity, and partially upheld the claim for compensation for damage in consideration of all the circumstances

together. Concerning Issue [iii], the court did not find the necessity of posting apology ads and dismissed said claim to post apology ads.