

Copyright	Date	June 27, 2024	Court	Osaka District Court, 26th Civil Division
	Case number	2023 (Wa) 3064		
- A case in which the court granted the Plaintiff's claim for injunction against the publication of a book based on copyright infringement.				

### Summary of Judgment

This is a case in which the Plaintiff sought an injunction against the publication of a book created by the Defendant (the "Defendant's Book"), requesting the Defendant not to publicize the Defendant's Book unless it redacts the tables (hereinafter referred to as the "Tables") that are allegedly contained in a draft research paper jointly prepared by the Plaintiff and a third party (hereinafter referred to as the "Draft Paper"), on the grounds of infringement of the Plaintiff's joint copyright (right of reproduction or right of adaptation).

The issues disputed in this case are as follows: [i] whether the Defendant's Book relies on the Tables; [ii] whether the Defendant can exercise a defense that the Plaintiff is no longer a joint copyright owner; and [iii] whether the Defendant can exercise a defense of quotation under Article 32, paragraph (1) of the Copyright Act.

In this judgment, with respect to Issue [i], the court found that the Defendant's Book relied on the Tables as the Defendant had knowledge of the content of the Tables prior to the creation of the Defendant's Book and the content of tables cited in the Defendant's Books was substantially the same as that of the Tables. With respect to Issue [ii], the court found that, although the regulations of the academic society that received the research paper completed after the revision of the Draft Paper provides that the academic society acquires a copyright in papers submitted to the society, the joint copyright in the Draft Paper is not transferred to the academic society by these regulations as the Draft Paper and the submitted research paper are separate works, and rejected the defense that the Plaintiff has lost its joint ownership in the copyright. With respect to Issue [iii], the court rejected the defense of quotation as the Draft Paper is not a "work that has been made public" and the method of quotation is not considered to comply with fair practice. In conclusion, the court granted the Plaintiff's claims.