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| Copyright | Date | March 14, 2024 | Court | Tokyo District Court, 40th Civil Division |
| | Case number | 2023 (Wa) 70356 | | |
| - A case in which the court found that senders used BitTorrent and infringed the right to make available for transmission in relation to the videos for which the Plaintiff has the copyright. | | | | |

Summary of the Judgment

In this case, the Plaintiff alleged that unidentified persons (hereinafter referred to as the "Senders") used file-sharing software, BitTorrent, automatically transmitted to the public the videos listed in the Attachment to the Judgment, "List of Works," (hereinafter the videos shall be referred to as the "Videos"), and thereby infringed the Plaintiff's right to transmit to the public in relation to the Videos. Based on these allegations, the Plaintiff demanded that the Defendant disclose the information listed in the Attachment, "List of Identification Information of Senders," based on Article 5, paragraph (1) of the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (hereinafter referred to as the "Provider Liability Limitation Act").

In this judgment, the court determined, as summarized below, that it is reasonable to find the unanswerability of the infringement of the right.

According to the structure of BitTorrent stated in the aforementioned basic facts and based on the aforementioned facts found in this case, it is found that the Senders downloaded pieces related to the File, made said pieces available for transmission automatically through BitTorrent at the request of many unidentified persons, received the IP addresses listed in the Attachment to the Judgment, "List of Identification Information of Senders," as assigned by the Defendant, connected to the internet, and had a terminal of the Research Company actually download the pieces related to the File at the dates and times listed in said List.

Based on these circumstances, it is reasonable to find that the Senders infringed the Plaintiff's right to transmit to the public in relation to the Videos at the dates and times listed in the Attachment to the Judgment, "List of Identification Information of Senders." In addition, even according to the entire evidence of this case and the entire import of oral arguments, circumstances that suggest the existence of justifiable causes for rejecting the illegality of the infringing act cannot be found. Therefore, it is

reasonable to find the unanswerability of the infringement of the right.

On the other hand, the Defendant argued that it was not clear whether the File was identical to the Videos. However, it is reasonable to find that the videos that were uploaded by the Senders and downloaded by the Research Company are identical to the Videos.

In addition, the Defendant argued that it is not clear whether the IP addresses and time stamps in the Research are correct. However, µTorrent, which is a client software of BitTorrent, mechanically indicates the IP addresses and times of peers who use BitTorrent and, even based on the entire evidence of this case, there are no circumstances to show that said indications are incorrect. Based on these circumstances, it is reasonable to find that the IP addresses and time stamps are correct.

Based on the above, the court upheld all the Plaintiff's claims.