

Copyright	Date	July 12, 2024	Court	Osaka District Court, 21st Civil Division
	Case number	2023 (Wa) 5412		
- A case in which the court denied copyrightability of applied art in relation to claims for an injunction, destruction, and compensation for damage made on the grounds of infringement of the Plaintiff's copyright, and dismissed all of those claims.				

Summary of the Judgment

In this case, the Plaintiff alleged as follows; a glass storage container with a lid produced by the Plaintiff (canister; hereinafter referred to as the "Plaintiff's Work") is a work, and the Defendants' act of producing, selling, or otherwise handling the Defendants' Work by reproducing or adapting the Plaintiff's Work constitutes infringement of the copyright (right of reproduction or adaption right) and moral rights of an author (right of attribution) of the Plaintiff. Based on this allegation, the Plaintiff demanded that the Defendants [i] suspend production, etc. of the Defendants' Work, [ii] destroy the Defendants' Work, and [iii] compensate damage.

The issues of this case are [i] whether the Plaintiff's Work is copyrightable, [ii] whether there was an act of reproduction or adaption, [iii] whether the right of attribution was infringed, [iv] whether the Defendants were intentional or negligent, [v] the amount of damage, and [vi] whether the injunction or destruction is necessary.

In this judgment, regarding Issue [i], in relation to whether the Plaintiff's Work is copyrightable as applied art, the court determined that the Plaintiff's Work is not considered to have aesthetic property as a subject of art appreciation separately from the structure pertaining to the function necessary for a storage container, and denied copyrightability of the Plaintiff's Work. Moreover, in consideration of the case, the court also considered Issue [ii] and determined that the Defendants' Work is not found to have been produced based on the Plaintiff's Work.