

Copyright	Date	July 25, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2023 (Wa) 70526		
- A case in which the court ruled that senders infringed the right to transmit to the public for videos, for which copyright is held by the Plaintiff, by means of BitTorrent.				

Summary of the Judgment

In this case, the Plaintiff alleges that it is clear that unidentified persons (hereinafter referred to as the "Senders") uploaded data pertaining to the videos stated in the List of Infringed Works attached to this judgment (hereinafter referred to as the "Videos") by means of BitTorrent compatible software (hereinafter referred to as "BitTorrent"), which is a file exchange and sharing software, and thereby infringed the Plaintiff's copyrights (the right to transmit to the public) for the Videos. Based on this allegation, the Plaintiff demands that the Defendant disclose pieces of information stated in the List of Sender Identification Information attached to this judgment (hereinafter referred to as the "Sender Identification Information") 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 (hereinafter referred to as the "Provider Liability Limitation Act").

In this judgment, the court held as summarized below and ruled that it is reasonable to find that copyrights for the works in question belong to the Plaintiff pursuant to Article 15, paragraph (1) of the Copyright Act.

The following facts are found: The titles of the Videos include the Plaintiff's trade name; the Intellectual Property Promotion Association, a third-party organization, has given certifications for the Videos to the Plaintiff; in addition, the Plaintiff's representative director, who supervised the Videos, stated that the Videos were made by the Plaintiff's representative director and employees at the initiative of the Plaintiff at the Plaintiff's cost and on the Plaintiff's responsibility, and that copyrights for the Videos thus belong to the Plaintiff; and there are no circumstances where the credibility of these statements should be questioned.

Based on these facts, the Videos are found to be works made by the Plaintiff's employee in the course of duty at the initiative of the Plaintiff and to be made public by the Plaintiff as a work of the Plaintiff's own authorship, and it cannot be found that there are special provisions to the effect that copyrights for the Videos do not belong to

the Plaintiff. Therefore, it is reasonable to find that copyrights for the Videos belong to the Plaintiff under Article 15 of the Copyright Act.

On the other hand, the Defendant points out that it cannot be said that the Plaintiff's name is "indicated as the name of the author in the customary manner," as referred to in Article 14 of the Copyright Act, on the jackets of the Videos and that the meaning of the end of review is unclear. Based on these points, the Defendant argues that copyrights for the Videos do not belong to the Plaintiff.

However, putting the facts mentioned above together, in this case, copyrights for the Videos should be considered to belong to the Plaintiff under Article 15 of the Copyright Act, as instructed above. The points indicated by the Defendant do not affect the findings mentioned above.

For the reasons described above, in this judgment, the court upheld the Plaintiff's claim.