

Other	Date	August 8, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2023 (Wa) 70497		
- A case in which the court ruled that a telecommunication pertaining to a sender's posting falls under infringement-related telecommunications.				

Summary of the Judgment

In this case, the Plaintiff alleges that the Plaintiff's copyrights (right of reproduction and right to transmit to the public) and self-esteem were infringed due to dissemination of the postings stated in the List of Posted Articles attached to this judgment (hereinafter referred to as the "Postings," and each of the Postings is referred to as "Posting 1," etc. according to the posting number assigned thereto in the same list; in addition, telecommunications identified by the IP addresses and connection dates and times stated in the List of Posted Articles attached to this judgment are referred to as the "Telecommunications"). Based on this allegation, the Plaintiff demands that the Defendant disclose sender identification information stated in the List of Sender Identification Information attached to this judgment under Article 5, paragraph (2) 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.

In this judgment, the court held as summarized below and ruled that the telecommunication pertaining to Posting 3 (which is found to have obviously infringed the Plaintiff's right) stated in the List of Posted Articles attached to this judgment falls under "infringement-related telecommunications."

The following facts are found: the IP address and connection date and time pertaining to Posting 3 stated in the List of Posted Articles attached to this judgment (which means "15:12:31 on June 6, 2022 (UTC)"; hereinafter referred to as the "Connection Date and Time") were disclosed based on a decision of provisional disposition and is one of the pieces of information pertaining to the telecommunication performed when the sender logged into the Twitter account; in relation to the period during which Twitter preserves information pertaining to telecommunications performed at the time of log-in, information about telecommunications pertaining to log-ins performed on or before the Connection Date and Time are not preserved any more, and the telecommunication pertaining to the Connection Date and Time is the oldest; on the other hand, Posting 3 is considered to have been made before the

Connection Date and Time, even taking into account the fact that the time zone to which the time stamp indicated on the screenshot pertaining to Posting 3 (which means "8:45 PM_9 May 2022" pertaining to the aforementioned finding) belongs is not exactly clear.

Therefore, in relation to Posting 3, the telecommunication identified by the IP address pertaining to Posting 3 stated in the List of Posted Articles attached to this judgment and the Connection Date and Time is found to be the closest in time to the posting date and time of Posting 3, and the telecommunication stated in the same list is found to fall under infringement-related telecommunications as one that has a reasonable relation to the transmission of Posting 3, which is infringing information, in light of the fact that the time gap between the time stamp indicated on the screenshot pertaining to Posting 3 and the Connection Date and Time is less than one month.

On the other hand, the Defendant argues that there is no sufficient evidence to prove that the telecommunication stated in the List of Posted Articles attached to this judgment is related to a log-in that was performed at a time closest to Posting 3 and that the telecommunication does not fall under infringement-related telecommunications. However, in relation to the period during which Twitter preserves information pertaining to telecommunications performed at the time of log-in, at least to the extent of information preserved by Twitter, the telecommunication pertaining to Posting 3 and the telecommunication pertaining to the Connection Date and Time are found to be the closest in time to each other, as instructed above.

For the reasons described above, in this judgment, the court upheld the Plaintiff's claim to the extent of the part pertaining to Posting 3.