

Copyright	Date	September 26, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2023 (Wa) 70388		
- A case in which the court ruled that a Soka Gakkai member's act of shooting the photographs placed in Seikyo Shimbun with a smartphone and exploiting the photographs thus shot by posting them on Twitter falls under the quotations referred to in Article 32, paragraph (1) of the Copyright Act.				

Summary of the Judgment

In this case, the Plaintiff, which is a religious corporation, alleges as follows: the Defendant, a member of the Plaintiff, reproduced photographs stated in the List of Photographs attached to this judgment (hereinafter each of them is referred to as "Photograph 1," etc. according to the number assigned thereto in the same list, and the photographs are collectively referred to as the "Photographs"), which were placed in Seikyo Shimbun published by the Plaintiff, and posted them on an online microblogging site, Twitter, and this act constitutes infringement of the Plaintiff's copyrights (right to make available for transmission) for the Photographs. Based on this allegation, the Plaintiff demands that the Defendant pay compensation for damage of 4,191,500 yen and delay damages based on a tort.

In this judgment, the court held as summarized below and ruled that the Defendant's exploitation of the Photographs is not considered to be illegal because it falls under a quotation referred to in Article 32, paragraph (1) of the Copyright Act.

Article 32, paragraph (1) of the Copyright Act provides that it is permissible to quote and thereby exploit a work that has been made public consistent with fair practices and within a scope that is justified for the purpose of news reporting, critique, study, or other place in which the work is quoted. Whether a work is quoted consistent with fair practices and within a scope that is justified for the purpose of the place in which the work is quoted should be determined, comprehensively taking into consideration the purpose of exploitation of another person's work, method and form of the exploitation, type and nature of the work exploited, degree of influence on the copyright owner of the work, etc. in light of common sense.

When this determination is applied to this case, the following facts are found: the Defendant, a member of the Plaintiff (Soka Gakkai), took photographs of only some articles of Seikyo Shimbun to which the Defendant subscribes and decided to post criticisms against the Plaintiff (Soka Gakkai) regarding the aforementioned articles on

Twitter with the photographs; and during the period from October 22, 2018 to October 21, 2019, the Defendant posted the criticisms (texts) and photographs stated in the List of Posted Articles attached to this judgment on Twitter (the Posts) on the dates and times stated in the same list, totaling 25 times. All the aforementioned articles shot with a smartphone include the content related to the aforementioned criticisms, and the aforementioned articles were exploited to the extent that they are shown in a photograph taken with a smartphone for the purpose of the aforementioned criticisms.

Under these circumstances, comprehensively taking into consideration the nature of the Photographs pertaining to the aforementioned finding, purpose of their exploitation, form in which they were posted on Twitter, degree of their influence on the Plaintiff who owns copyrights for the Photographs, etc. in light of common sense, it is reasonable to find that the Defendant's act of shooting the Photographs placed in Seikyo Shimbun with a smartphone and exploiting the Photographs thus shot by posting them on Twitter is consistent with fair practices and within a scope that is justified for the purpose of the place in which the work is quoted.

For the reasons described above, in this judgment, the court dismissed all the Plaintiff's claims.