

| | | | | |
|---|-------------|---------------|-------|--------------------------------------|
| Copyright | Date | July 12, 2024 | Court | Osaka High Court, 8th Civil Division |
| | Case number | 2024 (Ne) 513 | | |
| - A case in which the court determined that the use of an illustration in an icon on the Defendant's Twitter account infringes the copyright related to the Plaintiff's illustration. | | | | |

Summary of the Judgment

The Appellee (the First-instance Plaintiff) has the copyright for the Illustration and used it as an image for an icon on Twitter. The Appellant (the First-instance Defendant) set the "Name" on Twitter as the name of the First-instance Plaintiff and the "User name" on Twitter as the corporate group managed by the First-instance Plaintiff, set an illustration where part of the Illustration is blacked out as an icon image, and posted multiple articles with intentions that were not necessarily clear.

In this case, the First-instance Plaintiff alleged that the Posts by the First-instance Defendant infringe the copyright (reproduction right and right to transmit to the public) related to the Illustration, the name right, the right to a peaceful life, and self-esteem of the First-instance Plaintiff and constitute a tort, and the First-instance Plaintiff made the claim against the First-instance Defendant to pay solatium, etc. based on Article 709 of the Civil Code.

Like the judgment in prior instance (the judgment of the Osaka District Court on January 30, 2024 (2023 (Wa) 6100), website of the Courts in Japan, Vol. 104 of this magazine, p. 133), this court determined that the posts by the First-instance Defendant infringe the copyright (the reproduction right and the right to transmit to the public) related to the Illustration and the name right of the First-instance Plaintiff, but do not infringe the right to a peaceful life. This court denied infringement of the First-instance Plaintiff's self-esteem by the posts, including the part of the posts that was found to infringe the First-instance Plaintiff's self-esteem by the judgment in prior instance. Concerning the amount of solatium to the First-instance Plaintiff, this court found that the same amount as the judgment in prior instance, 150,000 yen, is reasonable and dismissed the appeal of the First-instance Defendant.