

Copyright	Date	December 23, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2024 (Wa) 70126		
- A case in which the court ruled that the copyright for the explanatory notes and the scenario that are exhibited or otherwise used at the Tokutomi Roka Memorial Museum of Literature belongs to the Defendant as they constitute the Plaintiff's works for hire.				

### Summary of the Judgment

In this case, the Plaintiff, who is a former employee of the Defendant, alleges that the copyright for the explanatory notes (referred to below as the "Explanatory Notes") and the scenario (referred to below as the "Scenario") that are exhibited or otherwise used at the Tokutomi Roka Memorial Museum of Literature (referred to below as the "Memorial Museum") belongs to the Plaintiff and that the Defendant has been infringing the relevant copyright held by the Plaintiff by the aforementioned exhibition, etc., and based on these allegations, the Plaintiff seeks an injunction against the use of the Explanatory Notes and the Scenario based on Article 112, paragraph (1) of the Copyright Act and the payment of 1,000,000 yen as part of the compensation for damage based on Article 709 of the Civil Code and Article 114, paragraphs (2) and (3) of the Copyright Act.

The court ruled as summarized below and found that the copyright for the Explanatory Notes and the Scenario belongs to the Defendant as they constitute the Plaintiff's works for hire.

The court found the following facts. The Defendant held the Tokutomi Roka Memorial Hall Exhibition Planning Committee Meeting on March 6, 1989, and discussed exhibition themes for the exhibition room of the Memorial Museum and other matters. The Plaintiff was hired by the Defendant on March 22, 1989, as a curator to be engaged in services relating to the relevant exhibition plans and was engaged in the creation of the exhibition room, including the preparation of exhibits in question. The Memorial Museum was opened on November 1, 1989, during the Plaintiff's continuance in office, and the panels in question which contain the Explanatory Notes and the video work in question based on the Scenario were made public at the Memorial Museum.

Given the aforementioned facts found by the court, it is reasonable to find that the Explanatory Notes that constitute those panels and the Scenario that is the scenario for

that video work were created by the Plaintiff, who was engaged in the Defendant's services, in the course of duties at the initiative of the Defendant, and were made public by the Defendant under the name of the Defendant, which operates the Memorial Museum. Accordingly, it can be said that the Explanatory Notes and the Scenario fall under the category of works for hire.

In the first place, the Plaintiff was hired by the Defendant as a curator to be engaged in services relating to the exhibition room of the Memorial Museum, and was actually engaged in the relevant services until the completion of the exhibition room. Even if the Plaintiff was not appointed as the Director of the Memorial Museum although the Plaintiff had made an outstanding contribution to its services, it cannot be said that such circumstances to be considered in favor of the Plaintiff affect the determination on the ownership of the copyright that depends on whether the works in question fall under the category of works for hire.

Therefore, it is found that the copyright for the Explanatory Notes and the Scenario belongs to the Defendant.

Given these, the court dismissed all of the Plaintiff's claims.