Copyright	Date	December 23, 2024	Court	Tokyo District Court, 40th Civil Division
	Case number	2024 (Wa) 70189		
- A case in which the court ruled that the computer program in question produced by the Plaintiff lacks creativity in expression and does not fall under the category of works under the Copyright Act.				

Summary of the Judgment

This is a case in which the Plaintiff who produced a computer program stated in the Attachment to this judgment, "List of the Plaintiff's Computer Program" (referred to below as the "Computer Program"), alleged that the Defendant is using the Computer Program although the Defendant has not concluded a licensing agreement, etc. with the Plaintiff, and has thus infringed the Plaintiff's copyright (right of reproduction) for the Computer Program, and based on this allegation, the Plaintiff demanded that the Defendant pay 450,000 yen as compensation for damage due to tort.

The court ruled as summarized below and determined that creativity in expression cannot be found in the Computer Program.

A "work" under the Copyright Act means a creatively produced expression of thoughts or sentiments, and a thought or sentiment, or an idea, fact or event that is not an expression in itself or that lacks creativity in expression does not fall under the category of works and is not protected under the Copyright Act.

When applying this in this case, it is understood that the Plaintiff marked two parts in red out of the source code of the Computer Program, namely, [i] the part relating to the function to display a drop-down list of product names (referred to below as "Part [i]"), and [ii] the part relating to the function to search and identify a customer's name (referred to below as "Part [ii]"), and asserts that these two parts are creatively produced expressions. However, despite the court's repeated requests for explanations, the Plaintiff has not specifically argued the reason why these parts fall under the category of creatively produced expressions.

Even closely examining the Plaintiff's arguments, except for those on this point, it must be said that with regard to Part [i], the Plaintiff merely mentions an idea of making it possible to customize fonts and font sizes by the use of the combo box of ActiveX Control. With regard to Part [ii] as well, the Plaintiff merely mentions an idea of making it possible to select a customer's name by selecting with a mouse an intended line of Katakana from the drop-down list of Katakana lines in the combo box on the user form

screen and by clicking with a mouse the intended name and telephone number from the drop-down list displayed on the screen.

Under such circumstances, the Plaintiff's arguments are considered to only mention ideas, and creativity in expression cannot be found in the Computer Program.

Given the above, the court dismissed the Plaintiff's claim.