

Design Right	Date	October 18, 2018	Court	Osaka District Court, 26th Civil Division
	Case number	2016 (Wa) 6539		
- A case in which, in response to the claims made by the Plaintiff, who asserted that the Defendant's act of importing and selling its trash can and two types of umbrella stands infringes on the Plaintiff's design right and copyrights and constitutes an act of unfair competition (imitation of configuration), the court partially approved the claims which were made in relation to a design right.				

Summary of the Judgment

The present case is one in which the Plaintiff, a business corporation whose purposes include the planning, manufacture, and sale of household goods, made the following claims concerning the act by the Defendant, a business corporation whose purposes include the import and sale of everyday goods, of importing and selling its trash can and two types of umbrella stands. In regards to the trash can, the Plaintiff made [I] claims for an injunction, disposal, posting of an apology ad, and compensation for damage on the basis of a design right, [II] a claim for compensation for damage on the basis of an act of unfair competition, and [III] a claim for compensation for damage on the basis of a general act of tort. In regards to the two types of umbrella stands, the Plaintiff made [i] a claim for compensation for damage on the basis of an act of unfair competition, [ii] a claim for compensation for damage on the basis of a general act of tort, and [iii] a claim for compensation for damage on the basis of copyrights.

The Defendant did not substantively argue against the issues of whether or not there is infringement of a design right and whether or not there is an act of unfair competition pertaining to the trash can. In the judgment of the present case, the court approved, in regards to the trash can, claims for an injunction and disposal, and compensation for damage on the basis of infringement of a design right, and a claim for compensation for damage on the basis of an act of unfair competition. On the other hand, the court did not approve other claims by denying that the two types of umbrella stands have the nature of copyrights, in addition to denying that there is a general act of tort in regards to the trash can and the two types of umbrella stands.