

Date	April 26, 2013	Court	Tokyo District Court, 47th Civil Division
Case number	2009 (Wa) 26989		
<p>– A case in which the court found that the defendant's use of the photos of the plaintiffs, who are members of idol groups, in books without their authorization, infringed what is generally known as the publicity rights of the plaintiffs and is illegal under the tort law. In conclusion, the court upheld the plaintiffs' claims for an injunction against the publishing and sale of these books, and for the disposal of said books, and also partially upheld their claims for damages.</p>			

In this case, the plaintiffs, who are members of idol groups, alleged that the defendant published and sold books while using the plaintiffs' photos in these books without their authorization, and thereby infringed their rights to exclusively use the customer appeal of their portraits, etc., as well as what is generally known as portrait rights. Accordingly, the plaintiffs sought an injunction against the publishing and sale of these books, demanded the disposal of said books, and claimed damages.

In accordance with the gist of the judgment of the First Petty Bench of the Supreme Court of February 2, 2012, Minshu Vol. 66, No. 2, at 89, the court referred to a person's right to exclusively use the customer appeal of his/her own portrait, etc. as a publicity right and stated that this right is one of the rights derived from a right of personality. The court then held that "the unauthorized use of portraits, etc. of a person is considered to be infringement of the person's publicity right and is found to be illegal under the tort law if the sole purpose of the use is to take advantage of the customer appeal of the portraits, etc. More specifically, in such cases where (i) the portraits, etc. are used as goods, etc. that may be appreciated as independent objects; (ii) the portraits, etc. are affixed to goods, etc. for the purpose of distinguishing the goods from other goods, etc.; or (iii) the portraits, etc. are used to advertise goods, etc." By applying this reasoning to the case, the court ruled that the books in question that the defendant published and sold were intended to provide the plaintiffs' photos as independent objects for appreciation, and the defendant's use of the plaintiffs' photos is therefore considered to be the use of the plaintiffs' portraits, etc. per se as goods, etc. that may be appreciated as independent objects, the sole purpose of which is to take advantage of the customer appeal of the plaintiffs' portraits, etc., and thus the defendant's act infringes the plaintiffs' publicity right and it is therefore illegal under the tort law.

In consideration of the fact that a publicity right is one of the rights derived from a right of personality, the court ordered the defendant to stop the publishing and sale of

the books in question and dispose of these books. With regard to the plaintiffs' claim for damages, the court found that the plaintiffs incurred damage in an amount equivalent to the amount that they would have ordinarily received from authorizing another person to use the photos on which they respectively appear. In conclusion the court ordered the defendant to pay damages in an amount equivalent to 10 percent of the price of each book, with legal costs.

Judgment rendered on April 26, 2013

2009 (Wa) 26989 Appeal Case of Demanding Payment of Damages, etc.

Date of conclusion of oral argument: January 31, 2013

Judgment

Indication of the parties: As stated in the attached list of parties

Main text

1. The defendant shall pay 5,119,400 yen to Plaintiff H, 4,547,400 yen to Plaintiff I, 3,832,400 yen to Plaintiff J, 4,690,400 yen to Plaintiff K, 5,548,400 yen to Plaintiff L, 3,372,416 yen to Plaintiff M, Plaintiff N, Plaintiff O, and P, respectively, 8,591,916 yen to Plaintiff Q, and 8,377,416 yen to Plaintiff R, and also pay the amount accrued on each of the aforementioned amounts at the rate of 5% per annum for the period from August 26, 2009, to the date of completion of the payment.
2. The defendant shall not publish or sell the books specified in 1 to 12 of the attached Book List.
3. The defendant shall destroy the aforementioned books in its possession.
4. Any other claims of the plaintiffs shall be dismissed.
5. The court costs shall be divided into five portions, two of which shall be borne by the plaintiffs, while the remaining portions shall be borne by the defendant.
6. This judgment may be provisionally executed as far as paragraph 1 of this main text is concerned.

Facts and reasons

No. 1 Claims

1. The defendant shall pay 17,160,000 yen to Plaintiffs H, I, J, K, and L, respectively, 11,913,332 yen to Plaintiffs M, N, O, and P, respectively, 19,063,332 yen to Plaintiffs Q and R, respectively, and also pay the amount accrued on each of the aforementioned amounts at the rate of 5% per annum for the period from the date of the service of a statement of claims to the date of completion of the payment.
2. The defendant shall not publish or sell the books specified in 1 to 12 of the attached Book List.
3. The defendant shall destroy the aforementioned books in its possession.

No. 2 Outline of the case

In this case, the plaintiffs alleged that the defendant's act of publishing and selling books containing photographs showing the plaintiffs constitutes infringement of the plaintiffs' right to exclusively use the power of their portraits, etc. to attract consumers and also infringement of their moral interests in forbidding casual shooting and publication of any photographs showing their appearances, etc. Each of the plaintiffs demanded against the defendant the payment of damages for the act of tort and the payment of the amount accrued thereon at the rate of 5% per annum for the period from the date of the service of a statement of claims, which is after the date of the act of tort, to the date of completion of the payment. Each of the plaintiffs also sought an injunction against the publication and sale of the books and demanded destruction thereof based on either of the aforementioned infringements.

1. Facts on which the decision is premised (Facts undisputed by the parties)

(1) Plaintiffs H, I, J, K, and L are entertainers who belong to Johnny & Associates, Inc. ("Johnny's Agency"). They work as members of an idol group "Arashi." Plaintiffs M, N, O, P, Q, and R are also entertainers who belong to Johnny's Agency and work as members of an idol group "KAT-TUN."

The defendant is a stock company established for the purpose of planning, editing, producing, publishing, and selling books or magazines, or conducting other business.

(2) The defendant published books (Exhibits Ko 1 to 12; hereinafter respectively referred to as "Book 1" and the like and collectively referred to as the "Books") containing photographs showing the plaintiffs (the "Photographs") under the titles stated respectively in the section "Title" on the dates stated respectively in the section "Publication date" on the attached Book List. The defendant sold each of these books at the regular retail price of 1,300 yen (excluding consumption tax).

(3) The plaintiffs did not give their consent to the defendant's photographers for taking the Photographs or to the defendant for presenting the Photographs in the Books. The Photographs were taken and presented in the Books without the plaintiffs' consent.

2. Issues

(1) Whether the defendant's act of presenting the Photographs in the Books constitutes infringement of the plaintiffs' right to exclusively use the power of their portraits, etc. to attract consumers

(2) Whether the defendant's act of shooting the Photographs and presenting them in the Books constitutes infringement of the plaintiffs' moral interests in forbidding casual shooting and publication of any photographs showing their appearances, etc.

(3) The amount of damage suffered by each of the plaintiffs due to the infringement of their rights specified in (1) above and infringement of their interests specified in (2)

above

(4) Whether the plaintiffs are entitled to seek an injunction against the publication and sale of the Books by the defendant and demand destruction thereof by the defendant based on either of the aforementioned infringements.

(omitted)

No. 3 Court decision

1. Regarding Issue 1 (Whether the defendant's act of presenting the Photographs in the Books constitutes infringement of the plaintiffs' right to exclusively use the power of their portraits, etc. to attract consumers), it was determined as follows.

(1) The facts are that the name, portrait, etc. of a person (collectively "portrait, etc.") has the power to promote the sale, etc. of goods by attracting consumers and that the right to exclusively use the power to attract consumers (the "publicity right") arises from the commercial value of the portrait, etc. itself and should therefore be considered to be one of the rights that arise from moral rights. On the other hand, in the case of a person whose portrait, etc. has customer appeal, such person attracts public attention and could consequently find his/her portrait, etc. used in news, commentaries, works of art, etc. in some cases. Thus, it should be considered that he/she has to permit such use as a legitimate act of expression, etc., if necessary. Therefore, the unauthorized use of a portrait, etc. of a person would be considered to be infringement of the person's publicity right and would be found to be illegal under the tort law only if the sole purpose of the use is to take advantage of the customer appeal of the portrait, etc., more specifically, in such cases where [i] the portrait, etc. is used as goods, etc., that may be appreciated as an independent object; [ii] the portrait, etc. is affixed to goods, etc., for the purpose of distinguishing the goods from other goods, etc.; or [iii] the portrait, etc. is used to advertise goods, etc. (Judgment of the First Petty Bench of the Supreme Court, 2009 (Ju) 2056 of February 2, 2012, Minshu Vol. 66, No. 2, at 89).

(2) Based on a comprehensive evaluation of the facts on which the decision is premised, the evidence (Exhibits Ko 1 to 12, 16, 17, 18-1, 18-2, 19, Otsu 1-1 to 1-12, 2, 7 to 10), and the entire import of the oral argument, it can be found that Plaintiffs H, I, J, K, and L are members of Arashi, while Plaintiffs M, N, O, P, Q, and R are members of KAT-TUN and that Arashi and KAT-TUN have been popular idol groups since around the time of the publication of the Books until today. Therefore, it can be found that the plaintiffs' portraits have the power to attract consumers.

(3) Thus, the following section examines whether the defendant's act of presenting the

Photographs in the Books constitutes infringement of the plaintiffs' publicity rights and violation of the tort law.

A. Book 1

(A) According to the evidence (Exhibit Ko 1), the following facts can be found.

a. Book 1 is an A5-size book consisting of 112 pages in total with the title "嵐 H コンプリートお宝フォトファイル Starring" (Arashi H complete treasure photo file: Starring).

Book 1, including the front cover, the back cover, and the folded flap of the front cover, contains 162 color photographs in total showing Plaintiff H (Photograph Ko 1-1 to 1-162 in the attached Specific Allegation List (1); Each of the photographs shall be referred to as "Photograph Ko 1-1" and the like according to the photograph numbers stated in (1) to (12) of the attached Specific Allegation List (1)). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (1). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (Photograph Ko 1-112 is placed on page 88; Photograph Ko 1-114 is placed on page 90; Photograph Ko 1-116 is placed on page 91; Photograph Ko 1-150 is placed on page 108; The size of Photograph Ko 1-23 is "B"; The size of Photograph Ko 1-62 is "C").

b. The front cover states "ARASHI 嵐 コンプリートお宝フォトファイル H Starring" (Arashi complete treasure photo file: H Starring) and "秘蔵お宝写真 150 カットで綴る情熱のメモリー" (150 secret photographs of memorable moments of passion) and presents Photographs Ko 1-1 to 1-3. The spine of Book 1 states "嵐 ARASHI H コンプリートお宝フォトファイル." The folded flap of the front cover presents Photographs Ko 1-4 and 1-5.

c. Page 1 states "ARASHI 嵐 コンプリートお宝フォトファイル H Starring" and presents Photographs Ko 1-6 and 1-7. Page 2 presents Photograph Ko 1-8.

Page 3 starts with the title "CONTENTS H" followed by the table of contents shown below and also presents Photograph Ko 1-9.

"- Introduction --- 4

- PART 1 情熱の軌跡 (Moments of passion) 1999-2004 --- 14

Column (1) “キャプテン愛”はどこへ行く!?(Where does the "love of captain" go!?)

----- 40

- PART 2 ターニングポイント(Turning point) 2005-2006 --- 42
- SPECIAL PART Precious Shots of H --- 56
- PART 3 Star Performer 2007-2008 --- 60
- Column (2) Change! Change! Change! --- 97
- PART 4 H's Jr. days --- Jr. 時代 (Jr. days) --- 100
- PROFILE --- 108"

d. Pages 4 to 13 contain a part titled "Introduction." Page 5 starts with the aforementioned title followed by an introductory section describing Plaintiff H. Pages 4 to 13 present Photographs Ko 1-10 to 1-22. Pages 7 and 13 present a short statement about Plaintiff H next to each photograph.

e. Pages 14 to 41 contain a part titled "Part 1 情熱の軌跡 1999-2004." Pages 14 and 15 start with the aforementioned title followed by an introductory section stating that Plaintiff H had a unique presence as an idol. Pages 14 to 39 present Photographs Ko 1-23 to 1-47. Pages 15 to 18, 21, 23, 24, 26, 35, 36, 37, and 38 present a short statement concerning Plaintiff H or Arashi next to each photograph.

Pages 40 and 41 present a two-page column subtitled "Column (1) “キャプテン愛”はどこへ行く!?" against the background of Photographs Ko 1-48 and 1-50. This column explains why Plaintiff H is attractive and presents Photographs Ko 1-49 and 1-51. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

f. Pages 42 to 55 contain a part titled "PART 2 ターニングポイント 2005-2006." Page 43 starts with the aforementioned title followed by an introductory section stating that Plaintiff H reached a turning point in around 2005 to 2006. Pages 42 to 55 present Photographs Ko 1-52 to 1-65. Pages 43, 45, 46, 48, 51, and 53 present a short statement concerning Plaintiff H or Arashi next to each photograph.

g. Pages 56 to 59 contain a part titled "SPECIAL PART Precious Shots of H." Pages 56 and 57 start with the aforementioned title followed by an introductory section concerning the fashion style of Plaintiff H. Pages 56 to 59 present Photographs Ko 1-66 to 1-72.

h. Pages 60 to 99 contain a part titled "PART 3 Star Performer 2007-2008." Pages 60 and 61 start with the aforementioned title followed by an introductory section concerning the great concerts held by Arashi in 2007 and 2008. Pages 60 to 96 present Photographs Ko 1-73 to 1-129. Pages 61, 67, 72, 81, 85, and 92 present a short statement concerning Plaintiff H or Arashi next to each photograph.

Pages 97 to 99 contain a three-page column subtitled "Column (2) Change! Change! Change!" against the background of Photographs Ko 1-130 to 1-132. This column

describes that Plaintiff H was the least well-known member of Arashi as of the time of their debut and that, since he held his solo exhibition in 2008, he has increased his presence by playing the leading roles in stage dramas and TV dramas. The column presents Photographs Ko 1-131 and 1-133 to 1-135. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

i. Pages 100 to 107 contain a part titled "PART 4 H's Jr. days --- Jr. 時代." Page 100 starts with the aforementioned title followed by an introductory section stating that Plaintiff H is the only member of Arashi who was not surrounded by a crowd of more than 100 fans in his days belonging to a group of minor members, "Johnny's Jr." Pages 100 to 107 present Photographs Ko 1-136 to 1-149. Page 107 presents a short statement concerning Plaintiff H next to a photograph.

j. Pages 108 to 110 start with the title "ARASHI PROFILE" followed by an introductory section providing information such as the titles, etc. of Arashi's CDs, videos/DVDs, books/photo books, TV dramas/films, and concerts and also presenting Photographs Ko 1-150 to 1-153.

Page 111 starts with the title "H PROFILE" followed by information such as Plaintiff H's date of birth, place of birth, and the titles, etc. of TV dramas, stage dramas, solo concerts in which Plaintiff H performed, and also presents Photographs Ko 1-154 and 1-155.

k. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 1-156 to 1-160.

l. The back cover presents a list of contents and Photographs Ko 1-161 and 1-162.

(B) Book 1, which is titled "H コンプリートお宝フォトファイル," is a photo book containing a large number of photographs mainly showing Plaintiff H. On the front cover, it is stated that "秘蔵お宝写真 150 カットで綴る情熱のメモリー."

More specifically, Book 1 contains 162 color photographs mainly showing Plaintiff H in all of its 112 pages in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction," "PART 1" to "PART 4," and "SPECIAL PART") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part containing photographs, but cannot be considered to play any independent role. While "Column (1)" and "Column (2)" provide relatively long articles, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the

aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 1 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 1 was to use the portraits, etc. of Plaintiff H themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff H to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff H and violates the tort law.

B. Book 2

(A) According to the evidence (Exhibit Ko 2), the following facts can be found.

a. Book 2 is an A5-size book consisting of 112 pages in total with the title "嵐 I コンプリートお宝フォトファイル Omnis" (Arashi I complete treasure photo file: Omnis).

Book 2, including the front cover, the back cover, and the folded flap of the front cover, contains 181 color photographs in total (Photographs Ko 2-1 to 2-181), mostly showing Plaintiff I. The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (2). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (Photograph Ko 2-8 is placed on page 2; Photograph Ko 2-43 is in the central area of page 28; Photograph Ko 2-45 is placed in the lower right area of page 29; Photograph Ko 2-56 is placed on page 38; Photograph Ko 2-81 is placed on page 59; Photograph Ko 2-95 is placed in the lower left area of page 66; Photograph Ko 2-97 is placed in the lower right area of page 67; Photograph Ko 2-167 is placed on page 107).

b. The front cover states "ARASHI 嵐 コンプリートお宝フォトファイル I Omnis" (Arashi complete treasure photo file: I Omnis) and "秘蔵お宝写真 170 カットで綴る情熱のメモリー" (170 secret photographs of memorable moments of passion) and presents Photographs Ko 2-1 to 2-3. The spine of Book 2 states "嵐 ARASHI I コンプリートお宝フォトファイル." The folded flap of the front cover of Book 2 presents Photographs Ko 2-4 and 2-5.

c. Page 1 states "ARASHI 嵐 コンプリートお宝フォトファイル I Omnis" and presents Photographs Ko 2-6 and 2-7. Pages 2 and 3 start with the title "CONTENTS I" followed by the table of contents shown below and also present Photographs Ko 2-8 and 2-9.

"- Introduction --- 4

- PART 1 フルスロットルの記憶 (Memory of full throttle) 1999-2005 --- 16

Column (1) “ヘタレ”が人の心を打つとき (When people are impressed by an "incompetent person") --- 28

- PART 2 With a Passion 2006-2007 --- 52

Column (2) パブリックイメージをぶっ壊せ! (Destroy the public image!) --- 66

- PART 3 I's Jr. days --- Jr. 時代 (Jr. days) --- 82

- PART 4 未知なる領域へ (Unknown fields) 2008 --- 90

- SPECIAL PART Precious Shots of I --- 104

- PROFILE --- 110"

d. Pages 4 to 15 contain a part titled "Introduction." Page 5 starts with the aforementioned title followed by an introductory section describing Plaintiff I. Pages 4 to 15 present Photographs Ko 2-10 to 2-27.

e. Pages 16 to 51 contain a part titled "PART 1 フルスロットルの記憶." Page 16 starts with the aforementioned title followed by an introductory section concerning the personality, etc. of Plaintiff I. Pages 16 to 27 and 30 to 51 present Photographs Ko 2-28 to 2-41 and 2-46 to 2-72. Pages 17, 18, 20 to 24, 30, 31, 36, 37, 39, 40, 42, 44 to 48, and 51 present a short statement concerning Plaintiff I or Arashi next to each photograph.

Pages 28 and 29 contain a two-page column subtitled "Column (1)“ヘタレ”が人の心を打つとき" against the background of Photographs Ko 2-42 and 2-44. This column states that Plaintiff I made an effort to exercise although he was not good at it and presents Photographs Ko 2-43 and 2-45. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

f. Pages 52 to 81 contain a part titled "PART 2 2006-2007 With a Passion." Page 52 starts with the aforementioned title followed by an introductory section concerning the activities of Plaintiff I in 2006 and 2007. Pages 52 to 65, 68 to 81 present Photographs Ko 2-73 to 2-93 and 2-98 to 2-119. Pages 53, 54, 56, 58, 60, 65, 68, 70, 72 to 74, and 78 to 81 present a short statement concerning Plaintiff I or Arashi next to each photograph.

Pages 66 and 67 contain a two-page column subtitled "Column (2) パブリックイメージをぶっ壊せ!" against the background of Photographs Ko 2-94 and 2-96. The column states that Plaintiff I has a large number of friends and has an intellectual atmosphere and also presents Photographs Ko 2-95 and 2-97.

g. Pages 82 to 89 contain a part titled "PART 3 I's Jr. days --- Jr. 時代." Page 82 starts with the aforementioned title followed by an introductory section describing Plaintiff I in his Johnny's Jr. days. Pages 82 to 89 present Photographs Ko 2-120 to 2-142. Pages 83, 85, and 88 present a short statement concerning Plaintiff I next to each photograph.

h. Pages 90 to 103 contain a part titled "PART 4 2008 未知なる領域へ." Page 90 starts with the aforementioned title followed by an introductory section concerning the activities of Plaintiff I in 2008. Pages 90 to 103 present Photographs Ko 2-143 to 2-161. Pages 90 to 93 and 96 present a short statement concerning Plaintiff I next to each photograph.

i. Pages 104 to 109 contain a part titled "SPECIAL PART Precious Shots of I." Pages 104 and 105 start with the aforementioned title followed by an introductory section concerning the fashion style of Plaintiff I. Pages 104 to 109 present Photographs Ko 2-162 to 2-171. Page 108 presents a short statement concerning Plaintiff I next to the photograph.

j. Page 110 contains a column subtitled "ARASHI PROFILE" providing information about the titles, etc. of Arashi's CDs and concerts and also presents Photograph Ko 2-172.

Page 111 starts with the subtitle "I PROFILE" followed by information about Plaintiff I such as his date of birth, place of birth, and the titles, etc. of the TV dramas, stage dramas, news programs, solo concerts, and TV commercials in which Plaintiff I performed. Page 111 also presents Photographs Ko 2-173 and 2-174.

k. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 2-175 to 2-179.

l. The back cover presents a table of contents and also presents Photographs Ko 2-180 and 2-181.

(B) Book 2, which is titled "I コンプリートお宝フォトファイル," is a photo book containing a large number of photographs mainly showing Plaintiff I. On the front cover, it is stated that "秘蔵お宝写真 170 カットで綴る情熱のメモリー."

More specifically, Book 2 contains 181 color photographs mainly showing Plaintiff I in all of its 112 pages in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction," "PART 1" to "PART 4," and "SPECIAL PART") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part containing photographs, but cannot be considered to play any independent role. While "Column (1)" and "Column (2)" provide relatively long articles, there is no particular relationship between the concrete content

of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 2 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 2 was to use the portraits, etc. of Plaintiff I themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff I to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff I and violates the tort law.

C. Book 3

(A) According to the evidence (Exhibit Ko 3), the following facts can be found.

a. Book 3 is an A5-size book consisting of 112 pages in total with the title "嵐 J コンプリートお宝フォトファイル Appassionata" (Arashi J complete treasure photo file: Appassionata).

Book 3, including the front cover, the back cover, and the folded flap of the front cover, contains 182 color photographs in total (Photographs Ko 3-1 to 3-182), mostly showing Plaintiff J. The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (3). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The plaintiffs shown in Photograph Ko 3-20 are Plaintiffs J and K; The only plaintiff shown in Photograph Ko 3-21 is Plaintiff J; Photograph Ko 3-50 is placed in the lower left area of Page 32; Photograph Ko 3-52 is placed in the lower right area of Page 33; Photograph Ko 3-83 is placed on page 56; Photograph Ko 3-128 is placed in the lower left area of Page 86; Photograph Ko 3-130 is placed on the central area of page 87; Photograph Ko 3-143 is placed on page 95).

b. The front cover states "嵐 ARASHI コンプリートお宝フォトファイル J Appassionata" (Arashi complete treasure photo file: J Appassionata) and "秘蔵お宝写真 170 カットで綴る情熱のメモリー" (170 secret photographs of memorable

moments of passion) and presents Photographs Ko 3-1 to 3-3. The spine of Book 3 states "嵐 ARASHI J コンプリートお宝フォトファイル." The folded flap of the front cover of Book 3 presents Photographs Ko 3-4 and 3-5.

c. Page 1 states "嵐 ARASHI コンプリートお宝フォトファイル J Appassionata" and presents Photographs Ko 3-6 and 3-7.

Page 2 starts with the title "CONTENTS J" followed by the table of contents shown below and also presents Photograph Ko 3-8. Page 3 presents Photograph Ko 3-9.

"- Introduction --- 4

- PART 1 雑草魂の航跡 (Achievements of a tough-minded man) 1999-2003 --- 18

Column (1) 怖いものはない, さあ前を向け! (Don't be afraid, look ahead!) --- 32

- PART 2 飛躍のとき (Time of advancement) 2004-2006 --- 46

- SPECIAL PART Precious Shots of J --- 64

- PART 3 目の前に君の時代が! (Your time is right ahead!) 2007-2008 --- 68

Column (2) 嵐の“肝”を握る男 (Key man of Arashi) --- 86

- PART 4 J's Jr. days --- Jr. 時代 (Jr. days) --- 102

- PROFILE --- 110"

d. Pages 4 to 17 contain a part titled "Introduction." Page 5 starts with the aforementioned title followed by an introductory section describing Plaintiff J. Pages 4 to 17 present Photographs Ko 3-10 to 3-29.

e. Pages 18 to 31 contain a part titled "PART 1 1999-2003 雑草魂の航跡." Page 18 starts with the aforementioned title followed by an introductory section concerning the personality, etc. of Plaintiff J. Pages 18 to 31 and 34 to 45 present Photographs Ko 3-30 to 3-48 and 3-53 to 3-68. Pages 19 to 24, 27, 31, 34, 36, 40, 44, and 45 present a short statement concerning Plaintiff J or Arashi next to each photograph.

Pages 32 and 33 contain a two-page column subtitled "Column (1) 怖いものはない, さあ前を向け!" against the background of Photographs Ko 3-49 and 3-51. This column describes how Plaintiff J has been performing in TV programs and presents Photographs Ko 3-50 and 3-52. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

f. Pages 46 to 63 contain a part titled "PART 2 2004-2006 飛躍のとき." Page 46 starts with the aforementioned title followed by an introductory section stating that, since his appearance in a TV program in 2004, Plaintiff J has increased his solo activities. Pages 46 to 63 present Photographs Ko 3-69 to 3-94. Pages 46 to 48, 50, 51, 53, 57, and 63 present a short statement concerning Plaintiff J or Arashi next to each photograph.

g. Pages 64 to 67 contain a part titled "SPECIAL PART Precious Shots of J." Pages 64 and 65 start with the aforementioned title followed by an introductory section

describing the fashion style of Plaintiff J. Pages 64 to 67 present Photographs Ko 3-95 to 3-100. Page 65 presents a short statement concerning Plaintiff J next to each photograph.

h. Pages 68 to 101 contain a part titled "PART 3 2007-2008 目の前に君の時代が!" Page 68 starts with the aforementioned title followed by an introductory section concerning the activities of Plaintiff J in 2007 and 2008. Pages 68 to 85 and 88 to 101 present Photographs Ko 3-101 to 3-126 and 131 to 154. Pages 69, 72, 74, 78, 80, 85, 88, 89, 93, 94, 97, and 101 present a short statement concerning Plaintiff J or Arashi next to each photograph.

Pages 86 and 87 contain a two-page column subtitled "Column (2) 嵐の“肝”を握る男" against the background of Photographs Ko 3-127 and 3-129. The column describes the personality of Plaintiff J and the attractiveness thereof and also presents Photographs Ko 3-128 and 3-130. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

i. Pages 102 to 109 contain a part titled "PART 4 J's Jr. days --- Jr. 時代." Page 102 starts with the aforementioned title followed by an introductory section describing Plaintiff J in his Johnny's Jr. days. Pages 102 to 109 present Photographs Ko 3-155 to 3-172. Pages 102, 104, and 108 present a short statement concerning Plaintiff J next to each photograph.

j. Page 110 contains a column subtitled "ARASHI PROFILE" providing information about the titles, etc. of Arashi's CDs and concerts and also presents Photograph Ko 3-173.

Page 111 starts with the subtitle "J PROFILE" followed by information about Plaintiff J such as his date of birth, place of birth, and the titles, etc. of the TV dramas, films, stage dramas, TV commercials in which Plaintiff J performed. Page 111 also presents Photographs Ko 3-174 and 3-175.

k. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 3-176 to 3-180.

l. The back cover presents a table of contents and also presents Photographs Ko 3-181 and 3-182.

(B) Book 3, which is titled "J コンプリートお宝フォトファイル," is a photo book containing a large number of photographs mainly showing Plaintiff J. On the front cover, it is stated that "秘蔵お宝写真 170 カットで綴る情熱のメモリー."

More specifically, Book 3 contains 182 color photographs mainly showing Plaintiff J in all of its 112 pages in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each

part ("Introduction," "PART 1" to "PART 4," and "SPECIAL PART") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part containing photographs, but cannot be considered to play any independent role. While "Column (1)" and "Column (2)" provide relatively long articles, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 3 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 3 was to use the portraits, etc. of Plaintiff J themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff J to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff J and violates the tort law.

D. Book 4

(A) According to the evidence (Exhibit Ko 4), the following facts can be found.

a. Book 4 is an A5-size book consisting of 112 pages in total with the title "嵐 K コンプリートお宝フォトファイル Infinity" (Arashi K complete treasure photo file: Infinity).

Book 4, including the front cover, the back cover, and the folded flap of the front cover, contains 180 color photographs in total (Photographs Ko 4-1 to 4-180) mostly showing Plaintiff K. The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (4). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (Photograph Ko 4-27 is placed on page 16; Photograph Ko 4-37 is placed on page 25; Photograph Ko 4-49 is placed in the central area of page 34; Photograph Ko 4-51 is placed in the lower right area of Page 35; Photograph Ko 4-58 is placed on page 43; Photograph Ko 4-83 is placed in the upper area of pages 58

and 59; Photograph Ko 4-85 is placed in the upper area of page 59; Photograph Ko 4-86 is placed in the lower area of page 59; Photograph Ko 4-97 is placed on page 66; Photograph Ko 4-99 is placed on page 67; Photograph Ko 4-125 is placed in the central area of page 84; Photograph Ko 4-127 is placed in the lower right area of page 85; The size of Photograph Ko 4-120 is "D").

b. The front cover states "嵐 ARASHI コンプリートお宝フォトファイル K Infinity" (Arashi complete treasure photo file: K Infinity) and "秘蔵お宝写真 160 カットで綴る情熱のメモリー" (160 secret photographs of memorable moments of passion) and presents Photographs Ko 4-1 to 4-3. The spine of Book 4 states "嵐 ARASHI K コンプリートお宝フォトファイル." The folded flap of the front cover of Book 4 presents Photographs Ko 4-4 and 4-5.

c. Page 1 states "嵐 ARASHI コンプリートお宝フォトファイル K Infinity" and presents Photographs Ko 4-6 and 4-7.

Pages 2 and 3 start with the title "CONTENTS K" followed by the table of contents shown below and also present Photographs Ko 4-8 and 4-9.

"- Introduction --- 4

- PART 1 挑戦の軌跡 (Facing challenges) 1999-2003 --- 10

Column (1) 半端モンから一途な男に (From half-heartedness to single-mindedness) --- 34

- PART 2 Up and Coming 2004-2006 --- 40

- SPECIAL PART Precious Shots of K --- 56

- PART 3 新境地への飛翔 (Expand the horizons) 2007-2008 --- 62

Column (2) コントが見たい! (Wanna see comedy skits!) --- 84

- PART 4 K's Jr. days --- Jr. 時代 (Jr. days) --- 102

- PROFILE --- 110"

d. Pages 4 to 9 contain a part titled "Introduction." Page 5 starts with the aforementioned title followed by an introductory section describing Plaintiff K. Pages 4 to 9 present Photographs Ko 4-10 to 4-21.

e. Pages 10 to 33 contain a part titled "PART 1 挑戦の軌跡 1999-2003." Page 10 starts with the aforementioned title followed by an introductory section describing Plaintiff K as of the time of debut. Pages 10 to 33 and 36 to 39 present Photographs Ko 4-22 to 4-47 and 4-52 to 4-54. Pages 10, 11, 13, 14, 16 to 19, 22 to 24, 26 to 28, and 37 to 39 present a short statement concerning Plaintiff K or Arashi next to each photograph.

Pages 34 and 35 contain a two-page column subtitled "Column (1) 半端モンから一途な男に" against the background of Photographs Ko 4-48 and 4-50. This column describes the frank personality of Plaintiff K and presents Photographs Ko 4-49 and

4-51. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

f. Pages 40 to 55 contain a part titled "PART 2 2004-2006 Up and Coming." Page 40 starts with the aforementioned title followed by an introductory section stating that Plaintiff K has a great ability to solve problems. Pages 40 to 55 present Photographs Ko 4-55 to 4-78. Pages 40, 41, 43 to 47, 49, 50, and 53 to 55 present a short statement concerning Plaintiff K or Arashi next to each photograph.

g. Pages 56 to 61 contain a part titled "SPECIAL PART Precious Shots of K." Pages 56 and 57 start with the aforementioned title followed by an introductory section describing the fashion style of Plaintiff K. Pages 56 to 61 present Photographs Ko 4-79 to 4-91. Page 59 presents a short statement concerning Plaintiff K next to each photograph.

h. Pages 62 to 83 contain a part titled "PART 3 2007-2008 新境地への飛翔." Page 62 starts with the aforementioned title followed by an introductory section concerning the activities of Plaintiff K in 2007 and 2008. Pages 62 to 83 and 86 to 101 present Photographs Ko 4-92 to 4-123 and 4-128 to 4-149. Pages 62, 66, 67, 70, 78 to 80, 82, 83, 86, 97, and 100 present a short statement concerning Plaintiff K or Arashi next to each photograph.

Pages 84 and 85 contain a two-page column subtitled "Column (2) コントが見たい!" against the background of Photographs Ko 4-124 and 4-126. The column describes the style of Plaintiff K as an actor and also presents Photographs Ko 4-125 and 4-127. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

i. Pages 102 to 109 contain a part titled "PART 4 K's Jr. days --- Jr. 時代." Page 102 starts with the aforementioned title followed by an introductory section describing Plaintiff K in his Johnny's Jr. days. Pages 102 to 109 present Photographs Ko 4-150 to 4-170. Pages 103, 107, and 108 present a short statement concerning Plaintiff K next to each photograph.

j. Page 110 contains a column subtitled "ARASHI PROFILE" providing information about the titles, etc. of Arashi's CDs and concerts and also presents Photograph Ko 4-171.

Page 111 starts with the subtitle "K PROFILE" followed by information about Plaintiff K such as his date of birth, place of birth, and the titles, etc. of the TV dramas, films, stage dramas, TV commercials in which Plaintiff K performed. Page 111 also presents Photographs Ko 4-172 and 4-173.

k. Page 112 provides publication data and a profile of the editor and also presents

Photographs Ko 4-174 to 4-178.

l. The back cover presents a table of contents and also presents Photographs Ko 4-179 and 4-180.

(B) Book 4, which is titled "K コンプリートお宝フォトファイル," is a photo book containing a large number of photographs mainly showing Plaintiff K. On the front cover, it is stated that "秘蔵お宝写真 160 カットで綴る情熱のメモリー."

More specifically, Book 4 contains 180 color photographs mainly showing Plaintiff K in all of its 112 pages in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction," "PART 1" to "PART 4," and "SPECIAL PART") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part containing photographs, but cannot be considered to play any independent role. While "Column (1)" and "Column (2)" provide relatively long articles, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 4 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 4 was to use the portraits, etc. of Plaintiff K themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff K to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff K and violates the tort law.

E. Book 5

(A) According to the evidence (Exhibit Ko 5), the following facts can be found.

a. Book 5 is an A5-size book consisting of 112 pages in total with the title "嵐 L コンプリートお宝フォトファイル The Tops" (Arashi L complete treasure photo file: The Tops).

Book 5, including the front cover, the back cover, and the folded flap of the front cover, contains 180 color photographs in total (Photographs Ko 5-1 to 5-180) mostly showing Plaintiff L. The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs,

and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (5). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (Photograph Ko 5-47 is placed in the central area of page 28; Photograph Ko 5-49 is placed in the lower left area of page 29; Photograph Ko 5-106 is placed in the lower left area of page 68; Photograph Ko 5-107 is placed in the lower right area of page 68; Photograph Ko 5-108 is placed in the lower area of page 69; Photograph Ko 5-138 is placed in the lower left area of page 88; Photograph Ko 5-140 is placed in the lower left area of page 89; The size of Photograph Ko 5-34 is "B"; The size of Photograph Ko 5-38 is "B").

b. The front cover states "ARASHI 嵐 コンプリートお宝フォトファイル L The Tops" (Arashi complete treasure photo file: L The Tops) and "秘蔵お宝写真 170 カットで綴る情熱のメモリー" (170 secret photographs of memorable moments of passion) and presents Photographs Ko 5-1 to 5-3. The spine states "嵐 ARASHI L コンプリートお宝フォトファイル." The folded flap of the front cover presents Photographs Ko 5-4 and 5-5.

c. Page 1 states "ARASHI 嵐 コンプリートお宝フォトファイル L The Tops" and "秘蔵お宝写真 170 カットで綴る情熱のメモリー" and presents Photographs Ko 5-6 and 5-7.

Page 2 starts with the title "CONTENTS L" followed by the table of contents shown below and also presents Photograph Ko 5-8. Page 3 presents Photograph Ko 5-9.

"- Introduction --- 4

- PART 1 躍動の軌跡 (Dynamic moments) 1999-2001 --- 14

Column (1) 生一本 (Focus on live shows) --- 28

- PART 2 トップアイドルの挑戦 (Facing challenges as a top idol) 2002-2006 --- 42

- PART 3 L's Jr. days --- Jr. 時代 (Jr. days) --- 56

- PART 4 Do the best 2007-2008 --- 64

- Column (2) 役者の本領 (Potential as an actor) --- 88

- SPECIAL PART Precious Shots of L --- 106

PROFILE --- 110"

d. Pages 4 to 13 contain a part titled "Introduction." Page 5 starts with the aforementioned title followed by an introductory section describing Plaintiff L. Pages 4 to 13 present Photographs Ko 5-10 to 5-27.

e. Pages 14 to 41 contain a part titled "PART 1 躍動の軌跡 1999-2001." Page 14 starts

with the aforementioned title followed by an introductory section stating that Arashi has received special treatment since its debut. Pages 14 to 27 and 30 to 41 present Photographs Ko 5-28 to 5-45 and 5-50 to 5-64. Pages 14 to 17, 19 to 21, 23, 26, 30, 33, and 34 present a short statement concerning Plaintiff L or Arashi next to each photograph.

Pages 28 and 29 contain a two-page column subtitled "Column (1) 生一本" against the background of Photographs Ko 5-46 and 5-48. This column describes the single-mindedness of Plaintiff L and presents Photographs Ko 5-47 and 5-49. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

f. Pages 42 to 55 contain a part titled "PART 2 2002-2006 トップアイドルの挑戦." Page 42 starts with the aforementioned title followed by an introductory section describing the activities of Plaintiff L since 2002. Pages 42 to 55 present Photographs Ko 5-65 to 5-86. Pages 42 to 44, 46 to 48, 50, 51, and 53 to 55 present a short statement concerning Plaintiff L or Arashi next to each photograph.

g. Pages 56 to 63 contain a part titled "PART 3 L's Jr. days --- Jr. 時代." Page 56 starts with the aforementioned title followed by an introductory section describing Plaintiff L in his Johnny's Jr. days. Pages 56 to 63 present Photographs Ko 5-87 to 5-100. Page 57, 58, and 60 present a short statement concerning Plaintiff L next to each photograph.

h. Pages 64 to 105 contain a part titled "PART 4 Do the best 2007-2008." Page 64 starts with the aforementioned title followed by an introductory section concerning the activities of Arashi in 2007 and 2008. Pages 64 to 87 and 90 to 105 present Photographs Ko 5-101 to 5-136 and 5-141 to 5-162. Pages 65, 69, 71, 77, 82, 83, 90, 92, 95, 101, 104, and 105 present a short statement concerning Plaintiff L next to each photograph.

Pages 88 and 89 contain a two-page column subtitled "Column (2) 役者の本領" against the background of Photographs Ko 5-137 and 5-139. The column states the reputation, etc. of Plaintiff L as an actor and also presents Photographs Ko 5-138 and 5-140. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

i. Pages 106 to 109 contain a part titled "SPECIAL PART Precious Shots of L." Pages 106 and 107 start with the aforementioned title followed by an introductory section describing the fashion style of Plaintiff L. Pages 106 to 109 present Photographs Ko 5-163 to 5-170. Page 109 presents a short statement concerning Plaintiff L next to each photograph.

j. Page 110 contains a column subtitled "ARASHI PROFILE" providing information about the titles, etc. of Arashi's CDs and concerts and also presents Photograph Ko

5-171.

Page 111 starts with the subtitle "L PROFILE" followed by information about Plaintiff L such as his date of birth, place of birth, and the titles, etc. of the TV dramas, films, stage dramas, TV commercials in which Plaintiff L performed. Page 111 also presents Photographs Ko 5-172 and 5-173.

k. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 5-174 to 5-178.

l. The back cover presents a table of contents and also presents Photographs Ko 5-179 and 5-180.

(B) Book 5, which is titled "L コンプリートお宝フォトファイル," is a photo book containing a large number of photographs mainly showing Plaintiff L. On the front cover, it is stated that "秘蔵お宝写真 170 カットで綴る情熱のメモリー."

More specifically, Book 5 contains 180 color photographs mainly showing Plaintiff L in all of its 112 pages in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction," "PART 1" to "PART 4," and "SPECIAL PART") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part containing photographs, but cannot be considered to play any independent role. While "Column (1)" and "Column (2)" provide relatively long articles, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 5 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 5 was to use the portraits, etc. of Plaintiff L themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff L to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff L and violates the tort law.

F. Book 6

(A) According to the evidence (Exhibit Ko 6), the following facts can be found.

a. Book 6 is an A5-size book consisting of 128 pages in total with the title "嵐 お宝フ

フォト BOOK BIG WAVE" (Arashi treasure photo book BIG WAVE).

Book 6, including the front cover, the folded flap of the front cover, the back cover, and the folded flap of the back cover, contains 227 color photographs and 15 black-and-white photographs (242 photographs in total) showing Arashi's members, namely, Plaintiffs H, I, J, K, or L (Photographs Ko 6-1 to 6-242; Photographs Ko 6-222 to 6-236 are in black and white, while any other photographs are in color). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (6). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The size of Photograph Ko 6-69 is "D"; The size of Photograph Ko 6-157 is "E"; The size of Photograph Ko 6-209 is "D").

b. The front cover states "嵐 ARASHI お宝フォト BOOK BIG WAVE," "永久保存版" (For permanent storage), and "お宝フォト全 220 カットで綴る“嵐”それぞれの成長の軌跡" (Growth of each member of Arashi recorded in 220 treasure photographs) and presents Photographs Ko 6-1 to 6-5. The spine states "嵐 ARASHI お宝フォト BOOK BIG WAVE" and "永久保存版." The folded flap of the front cover presents Photographs Ko 6-6 to 6-10.

c. Page 1 states "嵐 ARASHI お宝フォト BOOK BIG WAVE," "永久保存版," and "お宝フォト全 220 カットで綴る“嵐”それぞれの成長の軌跡" and presents Photographs Ko 6-11 to 6-15.

Page 2 starts with the title "CONTENTS" followed by the table of contents shown below. Pages 2 and 3 present Photograph Ko 6-16.

"- Introduction --- 4

- Wave 1 J --- 12

バラエティの救世主!?(Rescuer for variety shows!?)

- Wave 2 K --- 32

アイドルは観察がお好き!?(Idols love observation!?)

- Wave 3 L --- 52

世界のファンを魅了しろ!(Attract fans throughout the world!)

- Wave 4 H --- 72

異色のリーダー (Unusual leader)

- Wave 5 I --- 88

知性がピカイチ! (Outstanding intelligence!)

- Wave 6 嵐の軌跡 (History of Arashi) --- 108

* Complete Profile 1994-2007 --- 124"

d. Pages 4 to 11 contain a part titled "Introduction." Pages 4 and 5 start with the title "Introduction 2007 嵐、ドーム上陸!!" (Arashi arriving at the Dome!!) followed by an introductory section describing Arashi's concert at the Tokyo Dome in 2007. Pages 4 to 11 present Photographs Ko 6-17 to 6-24.

e. Pages 12 to 31 contain a part titled "WAVE 1 J." Page 12 starts with the aforementioned title followed by an introductory section providing information about Plaintiff J such as date of birth. At the end of the part, there is a statement "バラエティの救世主!?" Pages 12 to 31 present Photographs Ko 6-25 to 6-65. Pages 13 to 17, 23, 24, and 26 present a short statement concerning Plaintiff J next to each photograph.

Page 18 contains a column subtitled "天然ボケのパイオニア" (Pioneer of clumsy character) stating that Plaintiff J has a clumsy character. Page 28 contains a column subtitled "A の嵐!" (Storm of A) describing the performance of Plaintiff J in TV programs, etc. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

f. Pages 32 to 51 contain a part titled "WAVE 2 K." Page 32 starts with the aforementioned title followed by an introductory section providing information about Plaintiff K such as date of birth. At the end of the part, there is a statement "アイドルは観察がお好き?" Pages 32 to 51 present Photographs Ko 6-66 to 6-107. Pages 33, 34, 36 to 39, and 44 to 47 present a short statement concerning Plaintiff K next to each photograph.

Page 40 contains a column subtitled "和製ジェームス・ディーン?" (Japanese-version James Dean?) describing Plaintiff K as an actor. Page 49 contains a column subtitled "時代にフィットした「省エネ主義」" (Energy saving principle for this age) describing the personality of Plaintiff K. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

g. Pages 52 to 71 contain a part titled "WAVE 3 L." Page 53 starts with the aforementioned title followed by an introductory section providing information about Plaintiff L such as date of birth. At the end of this part, there is a statement "世界のファンを魅了しろ!" Pages 52 to 71 present Photographs Ko 6-108 to 6-148. Pages 52, 54, 55, 57, 63, 65, and 66 present a short statement concerning Plaintiff L next to each photograph.

Page 58 contains a column subtitled "スペオキ中のスペオキ" (the most favorite of

the most favorite) describing the growth of Plaintiff L as an actor. Page 69 contains a column subtitled "嵐の減らず口大王" (King of Arashi who never keeps his mouth shut) describing the personality, etc. of Plaintiff L. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

h. Pages 72 to 87 contain a part titled "WAVE 4 H." Page 72 starts with the aforementioned title followed by an introductory section providing information about Plaintiff H such as his date of birth. At the end of this part, there is a statement "異色のリーダー." Pages 72 to 87 present Photographs Ko 6-149 to 6-181. Pages 74, 75, and 80 to 83 present a short statement concerning Plaintiff H next to each photograph.

Page 77 contains a column subtitled "H といったら..." (Speaking of H) providing information about Plaintiff H's talent of drawing pictures. Page 85 contains a column subtitled "キャプテンシップを取れ!" (Take leadership!) describing Plaintiff H as a leader. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

i. Pages 88 to 107 contain a part titled "WAVE 5 I." Page 88 starts with the aforementioned title followed by an introductory section providing information about Plaintiff I such as the date of birth. At the end of this part, there is a statement "知性がピカイチ!" (Outstanding intelligence!). Pages 88 to 107 present Photographs Ko 6-182 to 6-221. Pages 90, 91, 93, and 99 to 103 present a short statement concerning Plaintiff I next to each photograph.

Page 94 contains a column subtitled "果てしなきチャレンジャー" (Unstoppable challenger) describing various challenges tackled by Plaintiff I. Page 104 contains a column subtitled "でっかく広がれ、友達の輪!" (Expand the network of friends!) describing the human relationships of Plaintiff I. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

j. Pages 108 to 123 contain a part titled "WAVE 6 嵐の軌跡." Pages 109 to 123 start with the aforementioned title followed by information about the performance of Arashi since its debut until 2007. Pages 108, 109, 111, 113, 115, 117, 119, 121, and 122 present Photographs Ko 6-222 to 6-231. However, there is no particular relationship between the concrete content of the information in these pages and the photographs presented respectively therein.

k. Pages 124 to 127 contain a part titled "嵐 Complete Profile 1994-2007." Pages 124 and 125 start with the aforementioned title followed by information about Arashi such as major events during the period from 1999 to 2006, the titles, etc. of Arashi's CDs,

videos, DVDs, books, and photo books and the titles, etc. of the TV dramas, films, and concerts in which Arashi performed. Pages 126 and 127 provide information about Plaintiffs J, K, L, H, and I, respectively, such as the date of birth, place of birth, and the titles, etc. of the TV dramas, films, stage dramas, TV commercials, and solo concerts in which each of them performed. Pages 124 and 127 present Photographs Ko 6-232 and 6-233.

l. Page 128 provides publication data and a profile of the editor and also presents Photographs Ko 6-234 to 6-236.

m. The back cover states "嵐 ARASHI お宝フォト BOOK BIG WAVE" and presents Photograph Ko 6-242. The folded flap of the back cover presents Photographs Ko 6-237 to 6-241.

(B) Book 6, which is titled "嵐 ARASHI お宝フォト BOOK BIG WAVE," is a photo book containing a large number of photographs showing the members of Arashi, namely, Plaintiffs H, I, J, K, and L. On the front cover, it is stated that "お宝フォト全 220 カットで綴る“嵐”それぞれの成長の軌跡."

More specifically, Book 6 contains 242 photographs (of which 227 photographs are in color), mainly showing the aforementioned plaintiffs on 119 pages out of its 128 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction" and "WAVE 1" to "WAVE 5") starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part and each chapter containing photographs, but cannot be considered to play any independent role. Each of "WAVE 1" to "WAVE 5" contains two columns, each of which provides a relatively long article. "WAVE 6" provides a 15-page article as well. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 6 was to use the portraits, etc. of Plaintiffs H, I, J, K, and L themselves as goods to be independently appreciated by readers and to take advantage of the power of their portraits, etc. to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of the aforementioned plaintiffs and violates the tort law.

G. Book 7

(A) According to the evidence (Exhibit Ko 7), the following facts can be found.

a. Book 7 is an A5-size book consisting of 112 pages in total with the title "KAT-TUN N&M コンプリートお宝フォトファイル Brilliant" (KAT-TUN N&M complete treasure photo file: Brilliant).

Book 7, including the front cover, the back cover, the folded flap of the front cover, and the folded flap of the back cover, contains 192 color photographs showing Plaintiff N or M (Photographs Ko 7-1 to 7-182, 7-185, 7-187, and 7-189 to 7-196). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (7). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The size of Photograph Ko 7-169 is "D").

b. The front cover states "KAT-TUN N&M コンプリートお宝フォトファイル Brilliant," "永久保存版" (For permanent storage), and "Jr. 時代からメジャーデビューまで、お宝 190 カットでつづる成長の軌跡" (Growth of KAT-TUN from its Jr. days to major debut recorded in 190 treasure photographs) and presents Photographs Ko 7-1 and 7-2. The spine states "KAT-TUN N&M コンプリートお宝フォトファイル." The folded flap of the front cover presents Photograph Ko 7-3.

c. Page 1 states "KAT-TUN N&M コンプリートお宝フォトファイル Brilliant" and "永久保存版" and presents Photographs Ko 7-4 to 7-6.

Page 2 starts with the title "Contents N" followed by the table of contents shown below and presents Photograph Ko 7-7.

"Introduction 4

PART 1 [軌跡] オンリー・ワン ([History] Only one) 10

PART 2 [オリキ時間] ナル&ナル ([Groupie time] Naru & Naru) 28

PART 3 スクール&フレンズ (School & friends) 46

Column 1 N, 変節す (N changes) 17

Column 2 アドレナリンが止まらない!! (Unstoppable adrenaline) 33

Column 3 愛を感じる男... (Man with a lot of love) 41

Column 4 ポーカーがめっちゃくちゃ強いわけ (Reason why he is good at poker) 48

Column 5 恐怖のアクセ (Scary accessories) 54

N 語録 (N's words) (1) - (4) 19/23/36/44"

Page 3 starts with the title "Contents M" followed by the table of contents shown below and presents Photograph Ko 7-8.

"Introduction 56

PART 1 [軌跡] マイ・ウェイ ([History] My way) 64

CAP & HAT 76

PART 2 [オリキ時間] スィート&テンダー ([Groupie time] Sweet & tender) 86

PART 3 オフ&フレンズ (Off & friends) 94

Column 1 知らぬは本人ばかりなり (Everybody else knows) 69

Column 2 O とキス (Kissing O) 79

Column 3 無常観... って!? (What is the sense of transience!?) 90

Column 4 すばるに「オラオラ」 ("Ora ora" to Subaru) 99

Column 5 オヤジ (Middle-aged man) 106

M 語録 (M's words) (1) - (4) 70/82/97/103

KAT-TUN PROFILE 110"

d. Pages 4 to 9 contain a part titled "Introduction." Pages 4 and 5, on which the letter "N" is written in large print filling about half of the space on the pages, start with the title "N Introduction" followed by an introductory section describing Plaintiff N. Pages 4 to 9 also present Photographs Ko 7-9 to 7-13.

e. Pages 10 to 27 contain a part titled "N N PART 1 [軌跡] オンリー・ワン." Page 11 starts with the aforementioned title followed by an introductory section describing the hairstyle of Plaintiff N. Pages 10 to 16 and 18 to 27 present Photographs Ko 7-14 to 7-46. Pages 11, 12, 14 to 16, 19, and 24 to 26 present a short statement concerning Plaintiff N next to each photograph.

Page 17 contains a column subtitled "Column 1 N, 変節す" stating that Plaintiff N used to pay special attention to a certain singer. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

Pages 19 and 23 contain boxed articles titled "N 語録" consisting of short statements made by Plaintiff N or other members of KAT-TUN. However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

f. Pages 28 to 45 contain a part titled "N N PART 2 [オリキ時間] ナル&ナル." Page 28 starts with the aforementioned title followed by an introductory section describing the relationships between Plaintiff N and his fans. Pages 28 to 32, 34 to 40, and 42 to 45 present Photographs Ko 7-47 to 7-74. Pages 29 to 32, 34, 36, 38, 42, and 44 present a short statement concerning Plaintiff N next to each photograph.

Page 33 starts with the subtitle "Column 2 アドレナリンが止まらない!!" followed by a section stating that Plaintiff N is always ready to fight. Page 41 starts with the subtitle "Column 3 愛を感じる男..." followed by a section describing that Plaintiff N went to high school despite hardships. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

Pages 36 and 44 contain the aforementioned boxed articles titled "N 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

g. Pages 46 to 55 contain a part titled "N N PART 3 スクール&フレンズ." Page 46 starts with the aforementioned title followed by an introductory section about Plaintiff N's high school days. Pages 46, 47, and 49 to 55 present Photographs Ko 7-75 to 7-92. Pages 52 and 53 present a short statement concerning Plaintiff N next to each photograph.

Page 48 starts with the subtitle "Column 4 ポーカーがめっちゃくちゃ強いわけ" followed by a section stating that Plaintiff N repeatedly changed his hairstyle. Pages 54 and 55 start with the subtitle "Column 5 恐怖のアクセ" presenting stories about Plaintiff N's accessories, especially his thorny bracelets and necklaces. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

h. Pages 56 to 59 contain a part titled "Introduction." Page 57, on which the letter "M" is written in large print filling about half of the space on the pages, start with the title "M Introduction" followed by an introductory section describing Plaintiff M. Pages 56 and 58 to 63 also present Photographs Ko 7-93 to 7-99.

i. Pages 64 to 85 contain a part titled "M M PART 1 [軌跡] マイ・ウェイ." Page 64 starts with the aforementioned title followed by an introductory section describing Plaintiff M. Pages 64 to 68, 70 to 78, and 80 to 85 present Photographs Ko 7-100 to 7-138. Pages 65 to 67, 70 to 78, 80 to 82, and 85 present a short statement concerning Plaintiff M next to each photograph.

Pages 70 and 82 contain boxed articles titled "M 語録" consisting of short statements made by Plaintiff M or other members of KAT-TUN. However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 76 starts with the subtitle "CAP & HAT" followed by an introductory section describing the hats of Plaintiff M. Photographs Ko 7-121 to 7-128 show Plaintiff M wearing different hats respectively.

Page 69 starts with the subtitle "Column 1 知らぬは本人ばかりなり" followed by a section describing Plaintiff M's guitar techniques. Page 79 starts with the subtitle "Column 2 O とキス" followed by a section stating that Plaintiff M and Plaintiff O are good friends. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

j. Pages 86 to 93 contain a part titled "M M PART 2 [オリキ時間] スィート&テンドー." Page 86 starts with the aforementioned title followed by an introductory section describing the relationships between Plaintiff M and his fans. Pages 86 to 93 present Photographs Ko 7-139 to 7-153. Pages 87 and 89 to 92 present a short statement concerning Plaintiff M next to each photograph.

Pages 90 and 91 start with a subtitle "Column 3 無常観...って!?" followed by a section stating that Plaintiff M is a man who sometimes thinks like a poet. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

k. Pages 94 to 109 contain a part titled "M M PART 3 オフ&フレンズ." Page 94 starts with the aforementioned title followed by an introductory section describing Plaintiff M's human relationships. Pages 94 to 98, 100 to 105, and 107 to 109 present Photographs Ko 7-154 to 7-180. Pages 95 to 98 and 100 to 104 present a short statement concerning Plaintiff M next to each photograph.

Pages 97 to 103 present the aforementioned boxed articles titled "M 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 99 starts with the subtitle "Column 4 すばるに「オラオラ」" followed by a section stating that Plaintiff M has a short attention span. Page 106 starts with the subtitle "Column 5 オヤジ" followed by a section describing the family, etc. of Plaintiff M. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

l. Pages 110 and 111 start with the subtitle "KAT-TUN PROFILE 1998-2006" followed by information about the major events related to KAT-TUN from 1998 to 2006 and also present Photographs Ko 7-181 to 7-188.

m. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 7-189 to 7-194.

n. The back cover states "KAT-TUN N&M コンプリートお宝フォトファイル Brilliant" and presents Photograph Ko 7-196. The folded flap of the back cover presents Photograph Ko 7-195.

(B) Book 7, which is titled "KAT-TUN N&M コンプリートお宝フォトファイル,"

is a photo book containing a large number of photographs showing Plaintiff N or M. On the front cover, it is stated that "Jr. 時代からメジャーデビューまで、お宝 190 カットでつづる成長の軌跡."

More specifically, Book 7 contains 192 color photographs showing Plaintiff N or M on 103 pages out of its 112 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction" and "PART 1" to "PART 3") concerning Plaintiffs N and M and the section "CAP & HAT" concerning Plaintiff M start with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part, etc. containing photographs, but cannot be considered to play any independent role. Each of "Column 1" to "Column 5" and each of the boxed sections "N 語録" or "M 語録" provides a relatively long article. However, there is no particular relationship between the concrete content of these columns or articles and the photographs presented respectively therein. Thus, the photographs presented therein cannot be considered to supplement the content of the aforementioned columns or articles. Rather, in light of the number of the Photographs and the manner of presenting them, these columns should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 7 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 7 was to use the portraits, etc. of Plaintiffs N and M themselves as goods to be independently appreciated by readers and to take advantage of the power of their portraits, etc. to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of the aforementioned plaintiffs and violates the tort law.

H. Book 8

(A) According to the evidence (Exhibit Ko 8), the following facts can be found.

a. Book 8 is an A5-size book consisting of 112 pages in total with the title "KAT-TUN P&O コンプリートお宝フォトファイル Amazing!" (KAT-TUN P&O complete treasure photo file: Amazing!).

Book 8, including the front cover, the back cover, the folded flap of the front cover, and the folded flap of the back cover, contains 193 color photographs showing Plaintiff P or O (Photographs Ko 8-1 to 8-180, 8-183 to 8-185, and 8-188 to 8-197). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the

plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (8). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The size of Photograph Ko 8-59 is "D").

b. The front cover states "KAT-TUN P&O コンプリートお宝フォトファイル Amazing!," "永久保存版" (For permanent storage), and "Jr. 時代からメジャーデビューまで、お宝 180 カットでつづる成長の軌跡" (Growth of KAT-TUN from its Jr. days to major debut recorded in 180 treasure photographs) and presents Photographs Ko 8-1 and 8-2. The spine states "KAT-TUN P&O コンプリートお宝フォトファイル." The folded flap of the front cover presents Photograph Ko 8-3.

c. Page 1 states "KAT-TUN P&O コンプリートお宝フォトファイル Amazing!" and "永久保存版" and presents Photographs Ko 8-4 to 8-6.

Page 2 starts with the title "Contents P" followed by the table of contents shown below and presents Photograph Ko 8-7.

"Introduction 4

PART 1 [軌跡] ホップ&ステップ ([History] Hop & step) 12

PART 2 [オリキ時間] スマイル&ガッツ ([Groupie time] Smile & guts) 28

PART 3 スクール&フレンズ (School & friends) 42

Column 1 P のまわりはたいへんだ! (People around P have to work hard!) 16

Column 2 バナナひと房のころ (A bunch of bananas with love) 23

Column 3 バランサーとして (As a balancer) 33

Column 4 ストレスなんて蹴散らしてしまえ! (Kick out the stress!) 44

Column 5 心配のタネは尽きず... (Always worried) 53

P 語録 (P's words) (1) - (4) 20/31/36/51"

Page 3 starts with the title "Contents O" followed by the table of contents shown below and presents Photograph Ko 8-8.

"Introduction 56

PART 1 [軌跡] チェンジ&チェンジ ([History] Change & change) 63

PART 2 [オリキ時間] コワモテ&フレンドリー ([Groupie time] Tough-looking & friendly) 82

PART 3 スクール&フレンズ (School & friends) 96

Column 1 よく眠れ! さあ、食べろ! (Sleep well! Eat well!) 67

Column 2 本当の自分を隠してたんだ... (Hiding real self) 77

Column 3 ヴィン・ディーゼルを目指せ! (Aim for Vin Diesel!) 87

Column 4 うちのが一番!! (Ours is No. 1!!) 99

Column 5 ブルーチーズの魅力? (Wonderful blue cheese?) 107

O 語録 (O's words) (1) - (4) 70/80/90/100

KAT-TUN PROFILE 110"

d. Pages 4 to 11 contain a part titled "Introduction." Page 5, on which the letter "P" is written in large print filling about half of the space on the page, starts with the title "Introduction P" followed by an introductory section describing Plaintiff P. Pages 4 and 6 to 11 also present Photographs Ko 8-9 to 8-15.

e. Pages 12 to 27 contain a part titled "P P PART 1 [軌跡] ホップ&ステップ." Page 12 starts with the aforementioned title followed by an introductory section stating that Plaintiff P had a short career as a member of Johnny's Jr. Pages 12 to 15 and 17 to 27 present Photographs Ko 8-16 to 8-44. Pages 13 to 15, 17, 18, 20 to 22, and 24 to 27 present a short statement concerning Plaintiff P next to each photograph.

Pages 16 contains a column subtitled "Column 1 P のまわりはたいへんだ!" stating that Plaintiff P often plays on words. Page 23 contains a column subtitled "Column 2 バナナひと房のころ" stating that, when Plaintiff P was hospitalized, Plaintiff O, etc. visited Plaintiff P. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

Page 20 contains a boxed article titled "P 語録" consisting of short statements made by Plaintiff P or other members of KAT-TUN. However, there is no particular relationship between the concrete content of the article and the photographs presented therein.

f. Pages 28 to 41 contain a part titled "P P PART 2 [オリキ時間] スマイル&ガッツ." Page 28 starts with the aforementioned title followed by an introductory section describing the relationships between Plaintiff P and his fans. Pages 28 to 32 and 34 to 41 present Photographs Ko 8-45 to 8-69. Pages 29, 36, 37, and 39 to 41 present a short statement concerning Plaintiff P next to each photograph.

Pages 31 and 36 contain the aforementioned boxed articles titled "P 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 33 starts with the subtitle "Column 3 バランサーとして" followed by a section stating that Plaintiff P performs juggling and bebop at concerts. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

g. Pages 42 to 55 contain a part titled "P P PART 3 スクール&フレンズ." Page 42

starts with the aforementioned title followed by an introductory section about Plaintiff P wearing a school uniform. Pages 42, 43, 45 to 52, 54, and 55 present Photographs Ko 8-70 to 8-88. Pages 43, 45, and 47 to 49 present a short statement concerning Plaintiff P next to each photograph.

Page 51 contains the aforementioned boxed article titled "P 語録." However, there is no particular relationship between the concrete content of the article and the photographs presented therein.

Page 44 starts with the subtitle "Column 4 ストレスなんて蹴散らしてしまえ!" followed by a section stating that Plaintiff P likes to play games. Page 53 starts with the subtitle "Column 5 心配のタネは尽きず..." stating that Plaintiff P's fashion sense has improved since around 2005. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

h. Pages 56 to 62 contain a part titled "Introduction." Page 56, on which the letter "O" is written in large print filling half of the space on the page, starts with the title "Introduction O" followed by an introductory section describing Plaintiff O. Pages 57 to 62 also present Photographs Ko 8-89 to 8-94.

i. Pages 63 to 81 contain a part titled "O O PART 1 [軌跡] チェンジ&チェンジ." Page 63 starts with the aforementioned title followed by an introductory section stating that Plaintiff O has significantly changed his image. Pages 63 to 66, 68 to 76, and 78 to 81 present Photographs Ko 8-95 to 8-135. Pages 64 to 66, 68 to 70, 72, 75, 76, 78, 79, and 81 present a short statement concerning Plaintiff P next to each photograph.

Page 67 starts with the subtitle "Column 1 よく眠れ! さあ, 食べろ!" followed by a section describing Plaintiff O's sleeping and eating habits. However, there is no particular relationship between the concrete content of the column and the photographs presented therein. Page 77 starts with the subtitle "Column 2 本当の自分を隠してたんだ..." followed by a section describing Plaintiff O's fashion style such as the facts that Plaintiff O has a large number of shoes and that Plaintiff O started wearing hip-hop fashion from 2001 in which KAT-TUN was formed. Page 76 contains the statement that "ヒップホップ色をより鮮明に打ち出し始めた頃" (the time in which Plaintiff O started to adopt hip-hop fashion in a more conspicuous manner) and presents Photograph Ko 8-123.

Pages 70 and 80 contain boxed articles titled "O 語録" consisting of short statements made by Plaintiff O or other members of KAT-TUN. However, there is no particular relationship between the concrete content of the articles and the photographs presented respectively therein.

j. Pages 82 to 95 contain a part titled "O O PART 2 [オリキ時間] コワモテ&フ렌 ドリー." Page 82 starts with the aforementioned title followed by an introductory section describing the relationship between Plaintiff O and his fans. Pages 82 to 86 and 88 to 95 present Photographs Ko 8-136 to 8-164. Pages 83, 85, 86, 88, 89, 93, and 95 present a short statement concerning Plaintiff O next to each photograph.

Pages 87 starts with the subtitle "Column 3 ヴィン・ディーゼルを目指せ!" followed by a section stating that Plaintiff O regularly trains his muscles. However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

Page 90 contains the aforementioned boxed article titled "O 語録." However, there is no particular relationship between the concrete content of the column and the photographs presented therein.

k. Pages 96 to 109 contain a part titled "O O PART 3 スクール&フレンズ." Page 96 starts with the aforementioned title followed by an introductory section stating that Plaintiff O sometimes takes an unexpected action. Pages 96 to 98, 100 to 106, 108, and 109 present Photographs Ko 8-165 to 8-179. Pages 97, 98, and 100 to 103 present a short statement concerning Plaintiff P next to each photograph.

Page 99 starts with the subtitle "Column 4 うちのが一番!!" followed by a section stating that Plaintiff O loves his dog. However, there is no particular relationship between the concrete content of the column and the photographs presented therein. Page 107 starts with the subtitle "Column 5 ブルーチーズの魅力?" followed by a section describing Plaintiff O's unique appearance by stating, for example, "bleached, close-cropped blond hair with hollow cheeks." Page 106 presents a photograph (Photograph Ko 8-178) showing Plaintiff O with bleached, close-cropped hair.

Page 100 contains the aforementioned boxed article titled "O 語録." However, there is no particular relationship between the concrete content of the article and the photographs presented therein.

l. Pages 110 and 111 start with the subtitle "KAT-TUN PROFILE 1998-2006" followed by information about the major events related to KAT-TUN from 1998 to 2006 and also present Photographs Ko 8-180 to 8-187.

m. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 8-188 to 8-195.

n. The back cover states "KAT-TUN P&O コンプリートお宝フォトファイル Amazing!" and presents Photograph Ko 8-197. The folded flap of the back cover presents Photograph Ko 8-196.

(B) Book 8, which is titled "KAT-TUN P&O コンプリートお宝フォトファイル,"

is a photo book containing a large number of photographs showing Plaintiff P or O. On the front cover, it is stated that "Jr. 時代からメジャーデビューまで、お宝 180 カットでつづる成長の軌跡."

More specifically, Book 8 contains 193 color photographs showing Plaintiff P or O on 101 pages out of its 112 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("Introduction" and "PART 1" to "PART 3") concerning Plaintiffs P and O starts with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part, etc. containing photographs, but cannot be considered to play any independent role. Each of "Column 1" to "Column 5" and each of the boxed sections "P 語録" or "O 語録" provides a relatively long article. In particular, the two-page spread "Column 2" of Plaintiff O presents a statement that "ヒップホップ色をより鮮明に打ち出し始めた頃" and a photograph showing Plaintiff O. Also, the two-page spread "Column 5" of Plaintiff O presents a photograph showing Plaintiff O with bleached, close-cropped hair. Even if the aforementioned photographs can be considered to supplement the content of the columns, it has to be said that there is no particular relationship between the concrete content of any other column and the Photographs. Therefore, in the case of this book as a whole, the Photographs cannot be considered to supplement the content of the aforementioned columns or articles. Rather, in light of the number of the Photographs and the manner of presenting them, these columns and articles should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 8 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of presenting the Photographs in Book 8 was to use the portraits, etc. of Plaintiff P or O themselves as goods to be independently appreciated by readers and to take advantage of the power of their portraits, etc. to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of the aforementioned plaintiffs and violates the tort law.

I. Book 9

(A) According to the evidence (Exhibit Ko 9), the following facts can be found.

a. Book 9 is an A5-size book consisting of 112 pages in total with the title "KAT-TUN Q コンプリートお宝フォトファイル Shine" (KAT-TUN Q complete treasure photo file: Shine).

Book 9, including the front cover, the back cover, the folded flap of the front cover,

and the folded flap of the back cover, contains 164 color photographs mostly showing Plaintiff Q (Photographs Ko 9-1 to 9-155, 9-157, 9-159, and 9-163 to 9-169). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (9). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The size of Photograph Ko 9-9 is "B"; The size of Photograph Ko 9-13 is "C"; The size of Photograph Ko 9-15 is "C"; The size of Photograph Ko 9-16 is "C"; The size of Photograph Ko 9-24 is "E"; The size of Photograph Ko 9-26 is "C"; The size of Photograph Ko 9-102 is "D"; The size of Photograph Ko 9-103 is "B").

b. The front cover states "KAT-TUN Q コンプリートお宝フォトファイル Shine," "永久保存版" (For permanent storage), and "Jr. 時代から CD デビューまで, お宝 150 カットでつづる栄光のブレイク・ロード" (Glorious break road of KAT-TUN from its Jr. days to CD debut recorded in 150 treasure photographs) and presents Photograph Ko 9-1. The spine states "KAT-TUN Q コンプリートお宝フォトファイル." The folded flap of the front cover presents Photograph Ko 9-2.

c. Page 1 states "KAT-TUN Q コンプリートお宝フォトファイル Shine" and "永久保存版" and presents Photographs Ko 9- 3 and 9-4.

Page 2 starts with the title "Contents KAT-TUN Q コンプリートお宝フォトファイル Shine" followed by the table of contents shown below. Pages 3 to 13 present Photographs Ko 9-5 to 9-12. Pages 5, 8, and 11 present a short statement concerning Plaintiff Q next to each photograph.

"Introduction Q 2006 疾走 (Run) --- 3

PART 1 Q ON STAGE - 2005 --- 14

PART 2 Q 素顔の変遷 (Changing real self) --- 38

PART 3 Q クンの [お蔵出し写真館] (Q's [Treasure photo studio]) --- 58

Column 1 "LOVE or LIKE" --- 20

2 さらに研ぎ澄ませ! (Even sharper) --- 31

3 天賦の才 (Talented) --- 65

4 Q の辞書に“負け”の文字はない? ("Loss" not in Q's dictionary) --- 88

5 友情のかたち (Type of friendship) --- 101

Q 語録 (Q's words) (1) - (12) 18/25/37/45/50/60/66/75/85/93/99/109

KAT-TUN PROFILE --- 110"

d. Pages 14 to 37 contain a part titled "PART 1 Q ON STAGE - 2005." Page 15 starts with the aforementioned title followed by an introductory section describing Plaintiff Q. Pages 14 to 19, 21 to 30, and 32 to 37 present Photographs Ko 9-13 to 9-39. Pages 14 to 19, 21, 22, 26, 27, 30, 33, 34, 36, and 37 present a short statement concerning Plaintiff Q next to each photograph.

Pages 18, 25, and 37 contain boxed articles titled "Q 語録" consisting of short statements made by Plaintiff Q or other members of KAT-TUN. However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 20 contains a column subtitled "Column 1 'LOVE or LIKE' '寝ているときと、歌っているときが一番幸せ! (Happiest when sleeping and singing)'" stating that Plaintiff Q likes to sing and is a good singer. Page 31 contains a column subtitled "Column 2 さらに研ぎ澄ませ!" stating that Plaintiff Q has a unique personality. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

e. Pages 38 to 57 contain a part titled "PART 2 Q 素顔の変遷." Page 39 starts with the aforementioned title followed by an introductory section describing the appearance of Plaintiff Q. Pages 38 to 57 present Photographs Ko 9-40 to 9-67. Pages 38 to 45, 47 to 49, and 51 to 57 present a short statement concerning Plaintiff Q next to each photograph.

Pages 45 and 50 contain the aforementioned boxed articles titled "Q 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

f. Pages 58 to 109 contain a part titled "PART 3 Q クンの [お蔵出し写真館]." Page 58 starts with the aforementioned title followed by an introductory section providing a set of information indispensable for understanding Plaintiff Q

Page 59 starts with the subtitle "Chapter I Cap & Hat" followed by an introductory section describing Plaintiff Q's hats. Pages 58 to 64 and 66 to 71 present Photographs Ko 9-68 to 9-88. Pages 58 to 64, 67, and 69 to 71 present a short statement concerning Plaintiff Q next to each photograph.

Page 72 starts with the subtitle "Chapter II In Harajuku" followed by an introductory section describing Plaintiff Q's behavior in public. Pages 72 to 75 present Photographs Ko 9-89 to 9-96.

Page 76 starts with the subtitle "Chapter III After 22:00" followed by an introductory section describing the ramen shop, etc. frequented by Plaintiff Q. Pages 76 to 79 present Photographs Ko 9-97 to 9-103. Pages 78 and 79 present a short statement

concerning Plaintiff Q next to each photograph.

Page 80 starts with the subtitle "Chapter III With ORIKI" followed by an introductory section stating that fans hand letters to Plaintiff Q. Pages 80 to 87 and 89 to 95 present Photographs Ko 9-104 to 9-131. Pages 80, 82, 83, 85 to 87, 89, 91, 92, 94, and 95 present a short statement concerning Plaintiff Q next to each photograph.

Page 96 starts with the subtitle "Chapter V KEITAI" followed by an introductory section describing Plaintiff Q and mobile phone email. Pages 96 to 100 present Photographs Ko 9-132 to 9-139. Pages 97 to 100 present a short statement concerning Plaintiff Q next to each photograph.

Page 102 starts with the subtitle "Chapter VI With Friends" followed by an introductory section describing the human relationships of Plaintiff Q. Pages 102 to 109 present Photographs Ko 9-140 to 9-154. Pages 103 to 109 present a short statement concerning Plaintiff Q next to each photograph.

Pages 60, 66, 75, 85, 93, 99 and 109 contain the aforementioned boxed articles titled "Q 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 65 starts with the subtitle "Column 3 天賦の才" followed by a section describing the personality of Plaintiff Q. Page 88 starts with the subtitle "Column 4 Q の辞書に“負け”の文字はない?" followed by a section stating that Plaintiff Q hates to lose. Page 101 starts with the subtitle "Column 5 友情のかたち" followed by a section describing the relationships between Plaintiff Q and his friends. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

g. Pages 110 and 111 start with the subtitle "KAT-TUN PROFILE 1998-2006" followed by information about the major events related to KAT-TUN from 1998 to 2006 and also present Photographs Ko 9-155 to 9-162.

h. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 9-163 to 9-167.

i. The back cover states "KAT-TUN Q コンプリートお宝フォトファイル Shine" and presents Photograph Ko 9-169. The folded flap of the back cover presents Photograph Ko 9-168.

(B) Book 9, which is titled "KAT-TUN Q コンプリートお宝フォトファイル," is a photo book containing a large number of photographs showing Plaintiff Q. On the front cover, it is stated that "Jr. 時代から CD デビューまで, お宝 150 カットでつづる栄光のブレイク・ロード."

More specifically, Book 9 contains 164 color photographs showing Plaintiff Q on

106 pages out of its 112 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("PART 1" to "PART 3") and each chapter of PART 3 start with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part and each chapter containing photographs, but cannot be considered to play any independent role. Each of "Column 1" to "Column 5" and each of the boxed sections "Q 語録" provides a relatively long article. However, there is no particular relationship between the concrete content of any other column and the Photographs. Therefore, in the case of this book as a whole, the Photographs cannot be considered to supplement the content of the aforementioned columns or articles. Rather, in light of the number of the Photographs and the manner of presenting them, these columns and articles should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 9 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of publishing the Photographs in Book 9 was to use the portraits, etc. of Plaintiff Q themselves as goods to be independently appreciated by readers and to take advantage of the power of portraits, etc. of Plaintiff Q to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff Q and violates the tort law.

J. Book 10

(A) According to the evidence (Exhibit Ko 10), the following facts can be found.

a. Book 10 is an A5-size book consisting of 112 pages in total with the title "KAT-TUN R コンプリートお宝フォトファイル Winning" (KAT-TUN R complete treasure photo file: Winning).

Book 10, including the front cover, the back cover, the folded flap of the front cover, and the folded flap of the back cover, contains 155 color photographs mostly showing Plaintiff R (Photographs Ko 10-1 to 10-151, and 10-157 to 10-160). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (10). The size of each photograph is stated in the section "Defendant" of the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list

(Photograph Ko 10-151 is used as the background of pages 110 and 111; Photographs Ko 10-152 to 10-154 are presented on page 110. Photographs Ko 10-155 to 10-157 are presented on page 111; The size of Photograph Ko 10-9 is "D"; The size of Photograph Ko 10-102 is "C").

b. The front cover states "KAT-TUN R コンプリートお宝フォトファイル Winning," "永久保存版" (For permanent storage), and "お宝 150 カットでよみがえる R の“青春譜”" (R in youth recorded in 150 treasure photographs) and presents Photograph Ko 10-1. The spine states "KAT-TUN R コンプリートお宝フォトファイル." The folded flap of the front cover presents Photograph Ko 10-2.

c. Page 1 states "KAT-TUN R コンプリートお宝フォトファイル Winning" and "永久保存版" and presents Photographs Ko 10-3 and 10-4.

Page 2 starts with the title "Contents" followed by the table of contents shown below. Pages 2 to 5 present Photographs Ko 10-5 and 10-6.

"PART 1 --- 6

PLAY BACK R

あの“瞬間”をふたたび...(That "moment" again)

PART 2 --- 36

“お宝” PHOTO PROFILE R ("Treasure" PHOTO PROFILE R)

素顔の少年。オーラの源泉 (Young boy inside, Source of aura)

PART 3 --- 62

SPECIAL SCENE R

とっておきのお宝シーン“お蔵だし”(Secret treasure scenes "Released")

in Harajuku もう原宿では会えない (Cannot be seen again in Harajuku)

at night アフター 2 2 時? (After 22:00?)

with ORIKI いつもいっしょだった (Always together)

in school uniform 鍛錬の日々...(Training every day)

Cap & Hat センスはいかほど...? (Good taste or bad taste?)

KEITAI 肌身はなさず (Never letting go)

with friends 根っこにあるもの (At the core)

Column 1 受け継がれる心 (Inherited mindset) --- 11

2 人材不足!?(Shortage of human resources!?) --- 21

3 ジャニーズ・マニア! (Johnny's mania!) --- 31

4 「やだやだ, やだー」(No, No, Nooo) --- 82

5 最大のライバル (Greatest rival) --- 103

R 語録 (R's words) (1) - (10) 39/41/45/47/49/54/67/74/90

KAT-TUN PROFILE --- 110"

d. Pages 6 to 35 contain a part titled "PART 1 PLAY BACK R あの“瞬間”をふたたび" Page 7 starts with the aforementioned title followed by an introductory section describing the major debut of KAT-TUN. Pages 6 to 35 present Photographs Ko 10-7 to 10-49. Pages 8, 15, 18, 23, 29, and 33 present a short statement concerning Plaintiff R next to each photograph.

Page 11 contains a column subtitled "Column 1 受け継がれる心" describing what Plaintiff R has learned from the senior idols who belong to Johnny's Agency. Page 21 contains a column subtitled "Column 2 人材不足!?" describing why Plaintiff R has become the leader of KAT-TUN. Page 31 contains a column subtitled "Column 3 ジャニーズ・マニア!" stating that Plaintiff R is knowledgeable about the idols who belong to Johnny's Agency. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

e. Pages 36 to 61 contain a part titled "PART 2 R “お宝” PHOTO PROFILE R 素顔の少年。オーラの源泉." Page 37 starts with the aforementioned title followed by an introductory section describing how Plaintiff R has changed. Pages 36 to 61 present Photographs Ko 10-50 to 10-83. Pages 36, 38, 40, 42, 44, 46, 50, 52, 54, 56, 58, and 61 present a short statement concerning Plaintiff R next to each photograph.

Pages 39, 41, 45, 47, 49, and 54 contain the aforementioned boxed articles titled "R 語録" consisting of short statements made by Plaintiff R or other members of KAT-TUN. However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

f. Pages 62 to 109 contain a part titled "PART 3 SPECIAL SCENE R とっておきのお宝シーン“お蔵だし”." Page 63 starts with the aforementioned title.

Page 62 starts with the subtitle "in Harajuku もう原宿では会えない" followed by an introductory section stating that Plaintiff R used to be seen in and around Harajuku Station. Pages 62 to 67 present Photographs Ko 10-84 to 10-93. Pages 62 and 64 present a short statement concerning Plaintiff R next to each photograph.

Page 68 starts with the subtitle "at night アフター 2 2 時?" followed by an introductory section stating that Plaintiff R showed up in a ramen shop, etc. after shooting a TV program. Pages 68 to 71 present Photographs Ko 10-94 to 10-100. Page 71 presents a short statement concerning Plaintiff R next to each photograph.

Page 72 starts with the subtitle "with ORIKI いつもいっしょだった" followed by an introductory section describing his fans always chasing Plaintiff R. Pages 72 to 80 present Photographs Ko 10-101 to 10-113. Pages 77 and 79 present a short statement concerning Plaintiff R next to each photograph.

Page 81 starts with the subtitle "in school uniform 鍛錬の日々..." followed by an introductory section stating that the photographs showing Plaintiff R in his school uniform are precious. Pages 81 to 85 present Photographs Ko 10-114 to 10-120.

Page 86 starts with the subtitle "Cap & Hat センスはいかほど...?" followed by an introductory section describing the hats used by Plaintiff R. Pages 86 to 93 present Photographs Ko 10-121 to 10-136. Pages 88 and 92 present a short statement concerning Plaintiff R next to each photograph.

Page 95 starts with the subtitle "KEITAI 肌身はなさず" followed by an introductory section describing Plaintiff R and his mobile phone. Pages 94 to 97 present Photographs Ko 10-137 to 10-142. Pages 95 and 96 present a short statement concerning Plaintiff R next to each photograph.

Page 98 starts with the subtitle "with friends 根っこにあるもの" followed by an introductory section describing Plaintiff R's human relationships with the senior idols who belong to the Johnny's Agency and with his friends. Pages 98 to 109 present Photographs Ko 10-143 to 10-150. Pages 99, 101, and 106 to 108 present a short statement concerning Plaintiff R next to each photograph.

Pages 67, 74, and 90 contain the aforementioned boxed articles titled "R 語録." However, there is no particular relationship between the concrete content of these articles and the photographs presented respectively therein.

Page 82 starts with the subtitle "Column 4 「やだやだ, やだー」" followed by a section stating that Plaintiff R does not like roller coasters. Page 103 starts with the subtitle "Column 5 最大のライバル" followed by a section stating that Plaintiff R is always curious about Plaintiff N. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

g. Pages 110 and 111 start with the subtitle "KAT-TUN PROFILE 1998-2006" against the background of Photograph Ko 10-151 followed by information about the major events related to KAT-TUN from 1998 to 2006 and also present Photographs Ko 10-152 to 10-157.

h. Page 112 provides publication data and a profile of the editor and also presents Photograph Ko 10-158.

i. The back cover states "KAT-TUN R コンプリートお宝フォトファイル Winning" and presents Photograph Ko 10-160. The folded flap of the back cover presents Photograph Ko 10-159.

(B) Book 10, which is titled "KAT-TUN R コンプリートお宝フォトファイル," is a photo book containing a large number of photographs showing Plaintiff R. On the front

cover, it is stated that "お宝 150 カットでよみがえる R の“青春譜”."

More specifically, Book 10 contains 155 color photographs showing Plaintiff R on all of its 112 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each part ("PART 1" and "PART 2") and each of the seven chapters of PART 3 such as the chapter titled "in Harajuku" start with a title and an introductory section. Such introductory section can be considered to be meaningful as an introduction to each part and each chapter containing photographs, but cannot be considered to play any independent role. Each of "Column 1" to "Column 5" and each of the boxed sections "R 語録" provides a relatively long article. However, there is no particular relationship between the concrete content of any other column and the Photographs. Therefore, in the case of this book as a whole, the Photographs cannot be considered to supplement the content of the aforementioned columns or articles. Rather, in light of the number of the Photographs and the manner of presenting them, these columns and articles should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 10 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of publishing the Photographs in Book 10 was to use the portraits, etc. of Plaintiff R themselves as goods to be independently appreciated by readers and to take advantage of the power of the portraits, etc. of Plaintiff R to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of Plaintiff R and violates the tort law.

K. Book 11

(A) According to the evidence (Exhibit Ko 11), the following facts can be found.

a. Book 11 is an A5-size book consisting of 128 pages in total with the title "KAT-TUN お宝フォト BOOK BOMB!" (KAT-TUN treasure photo book BOMB!). Book 11, including the front cover, the folded flap of the front cover, and the back cover, contains 235 color photographs showing the members of KAT-TUN, namely, Plaintiff M, N, O, P, Q, or R (Photographs Ko 11-1 to 11-235). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (11). The size of each photograph is stated in the section "Defendant" of

the segment "Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (Photograph Ko 11-21 is placed in the central area of the two-page spread of Pages 2 and 3; Photographs Ko 11-22 and 11-23 are placed on Page 2; Photographs Ko 11-24 to 11-29 are placed on Page 3; The size of Photograph Ko 11-4 is "E"; The size of Photograph Ko 11-5 is "E"; The size of Photograph Ko 11-210 is "E").

b. The front cover states "KAT-TUN お宝フォト BOOK BOMB!," "永久保存版" (For permanent storage), and "250 カットで綴る KAT-TUN, それぞれの軌跡" (Achievements of each member of KAT-TUN recorded in 250 treasure photographs) and presents Photographs Ko 11-1 to 11-7. The spine states "永久保存版 KAT-TUN お宝フォト BOOK" (For permanent storage KAT-TUN treasure photo book). The folded flap of the front cover presents Photographs Ko 11-8 to 11-13.

c. Page 1 states "KAT-TUN お宝フォト BOOK BOMB!" and "永久保存版" and presents Photographs Ko 11-14 and 11-20.

Page 2, which states "KAT-TUN," starts with the title "Contents" followed by the table of contents shown below. Pages 2 and 3 present Photographs Ko 11-21 to 11-29.

"軌跡 (Achievements) PART 1

1998-1999 --- 4

2000-2001--- 6

2002-2003--- 8

2004-2005--- 10

RR --- 12

“野球くん”のハートの奥底に (At the heart of the baseball lover) --- 18

節操はある..., それとも, ない? (With or without principles) --- 22

噂・ウワサ・うわさ (Rumor, rumor, rumor) --- 28

K A T - T U N イチ押しのロマンチスト (Most romantic KAT-TUN member)
---32

QQ --- 38

平成の“杉良”も最初はつまづいた (Heisei "Sugiryō" failed at the beginning)
---40

天然さで, 独走中 (Unmatched goofball) --- 46

「しょっぱい車」 ("Salty car") --- 52

本当は“お子ちゃま”かも!?! ("Kid" in reality!?) --- 58

OO --- 64

やんちゃな“時限爆弾”!?! (Naughty "time bomb"!?) --- 68

熱い男は慕われる (People love a passionate man) --- 74

PP --- 80

抜群の微笑みのバックグラウンド (Source of a wonderful smile) --- 82

そのセンス, マジヤバ!? (That fashion sense, unbelievable!?) --- 88

NN --- 94

一筋の光をたよりに, 指先に集中すれば (Concentrate on the fingertips by using a ray of light) --- 98

ビッグなやつって...??? (Who is big???) --- 104

MM --- 108

キミは「M宇宙論」を聞いたか? (Have you heard of the "M's universe theory"?) --- 110

影の支配者は“遅刻魔”でダッシュ好き (Secret ruler is always late and likes to make a dash) --- 118

軌跡 (Achievements) PART 2

03.5.12 & 03.8.10 ---122

03.8.20 & 04.1.31 --- 124

04.8.10 & 05.1.5 --- 126"

d. Pages 4 to 11 contain a part titled "KAT-TUN 軌跡 PART 1." The major activities of KAT-TUN' from 1998 to 1999 are described on Page 5, those from 2000 to 2001 are on Page 7, those in 2003 are on Page 8, those in 2002 are on Page 9, those in 2004 are on Page 10, and those in 2005 are on Page 11. Pages 4 to 11 present Photographs Ko 11-30 to 11-53.

e. Pages 12 to 37 contain a part titled "KAT-TUN R R." Page 12 starts with the aforementioned title followed by a small boxed article titled "R Profile" providing 11 items of information about Plaintiff R such as his date of birth and blood type. Pages 12 to 17, 19 to 22, 24 to 28, 30, 31, and 33 to 37 present Photographs Ko 11-54 to 11-90.

Pages 18 and 19 start with the subtitle "“野球くん”のハートの奥底に..." followed by a section stating that Plaintiff R is good at baseball. Pages 22 and 23 start with the subtitle "節操はある..., それとも, ない?" followed by a section stating that Plaintiff R has been playing various sports. Pages 28 and 29 start with the subtitle "噂・ウワサ・うわさ..." followed by a section stating that there have been rumors about the relationships between Plaintiff R and multiple female entertainers. Pages 32 and 33 start with the subtitle "K A T - T U N イチ押し of ロマンチスト" followed by a section describing Plaintiff R's view on romantic love. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

f. Pages 38 to 63 contain a part titled "KAT-TUN Q Q." Page 38 starts with the

aforementioned title. Page 39 has a small boxed article titled "Q Profile" providing 11 items of information about Plaintiff Q such as his date of birth and blood type. Pages 38, 39, 41 to 51, and 53 to 63 present Photographs Ko 11-91 to 11-129.

Pages 40 and 41 start with the subtitle "平成の“杉良”も最初はつまづいた" followed by a section stating that Plaintiff Q was selected in an audition. Pages 46 and 47 start with the subtitle "天然さで、独走中" followed by a section describing the character of Plaintiff Q. Pages 52 and 53 start with the subtitle "「しょっぱい車」" followed by a section describing Plaintiff Q's driving. Pages 58 and 59 start with the subtitle "本当は“お子ちゃま”かも!?" followed by a section describing the innocence of Plaintiff Q. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

g. Pages 64 to 79 contain a part titled "KAT-TUN O O." Page 64 starts with the aforementioned title. Page 65 has a small boxed article titled "O Profile" providing 11 items of information about Plaintiff O such as his date of birth and blood type. Pages 64 to 67, 69 to 74, and 76 to 79 present Photographs Ko 11-130 to 11-155.

Pages 68 and 69 start with the subtitle "やんちゃな“時限爆弾!?"" followed by a section describing Plaintiff O's behaviors that were considered to be problematic. Pages 74 and 75 start with the subtitle "熱い男は慕われる" followed by a section stating that Plaintiff O takes friendships seriously. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

h. Pages 80 to 93 contain a part titled "KAT-TUN P P." Page 80 starts with the aforementioned title. Page 81 has a small boxed article titled "P Profile" providing 11 items of information about Plaintiff P such as his date of birth and blood type. Pages 80, 81, 83 to 88, and 90 to 93 present Photographs Ko 11-156 to 11-176.

Pages 82 and 83 start with the subtitle "抜群の微笑みのバックグラウンド" followed by a section describing Plaintiff P's smile and jokes. However, there is no particular relationship between the concrete content of the column and the photographs presented therein. Pages 88 and 89 start with the subtitle "そのセンス、マジヤバ!?" followed by a section describing Plaintiff P's fashion sense by stating that Plaintiff P's recent style is to wear jeans and a T-shirt in his time off. Page 88 presents a photograph (Photographs Ko 11-169) showing Plaintiff P wearing jeans and a T-shirt.

i. Pages 94 to 107 contain a part titled "KAT-TUN N N." Page 94 starts with the aforementioned title. Page 95 has a small boxed article titled "N Profile" providing 11 items of information about Plaintiff N such as his date of birth and blood type. Pages 94 to 97, 99 to 103, and 105 to 107 present Photographs Ko 11-177 to 11-194.

Pages 98 and 99 start with the subtitle "一筋の光をたよりに、指先に集中すれば" followed by a section describing Plaintiff N's unusual statements. However, there is no particular relationship between the concrete content of the column and the photographs presented therein. Pages 104 and 105 start with the subtitle "ビッグなやつって...???" followed by a section describing Plaintiff N's fashion style influenced by a musician. Page 105 presents a photograph (Photographs Ko 11-192) showing Plaintiff N exhibiting such fashion style.

j. Pages 108 to 121 contain a part titled "KAT-TUN M M." Page 108 starts with the aforementioned title. Page 109 has a small boxed article titled "M Profile" providing 11 items of information about Plaintiff M such as his date of birth and blood type. Pages 108, 109, 111 to 117, and 119 to 121 present Photographs Ko 11-195 to 11-215.

Pages 110 and 111 start with the subtitle "キミは「M宇宙論」を聞いたか?" followed by a section describing Plaintiff M's interest in the universe. Pages 118 and 119 start with the subtitle "影の支配者は“遅刻魔”でダッシュ好き" followed by a section stating that Plaintiff M is often late. However, there is no particular relationship between the concrete content of these columns and the photographs presented respectively therein.

k. Pages 122 to 127 contain a part titled "KAT-TUN 軌跡 PART 2." Page 122 starts with the subtitle "2003.5.12," Page 123 with "2003.8.10," Page 124 with "2004.1.31," Page 125 with "2003.8.20," Page 126 with "2004.8.10," and Page 127 with "2005.1.5," followed by a section describing the events such as a concert held on each of the aforementioned days. Pages 122 to 127 also present Photographs Ko 11-216 to 11-221.

l. Page 128 provides publication data and a profile of the editor and also presents Photographs Ko 11-222 to 11-234.

m. The back cover states "KAT-TUN お宝フォト BOOK!" and presents Photograph Ko 11-235.

(B) Book 11, which is titled "KAT-TUN お宝フォト BOOK," is a photo book containing a large number of photographs showing the members of KAT-TUN, namely, Plaintiffs M, N, O, P, Q, and R. On the front cover, it is stated that "250 カットで綴る KAT-TUN, それぞれの軌跡."

More specifically, Book 11 contains 235 color photographs showing the aforementioned plaintiffs on 114 pages out of its 128 pages in total in addition to the front cover. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. Each column concerning Plaintiff M, N, O, P, Q, or R provides a relatively long article. In particular, the page presenting the column subtitled "そのセンス、マジヤバ!?" also presents a photograph (Photographs Ko

11-169) showing Plaintiff P wearing jeans and a T-shirt. Also, the page presenting the column subtitled "ビッグなやつって...???" also presents a photograph (Photographs Ko 11-192) showing Plaintiff N exhibiting the fashion style described in the column. Even if the aforementioned photographs can be considered to supplement the content of the columns, it has to be said that there is no particular relationship between the concrete content of any other column and the Photographs. Therefore, in the case of this book as a whole, the Photographs cannot be considered to supplement the content of the aforementioned columns or articles. Rather, in light of the number of the Photographs and the manner of presenting them, these columns and articles should be considered to have been merely added to the Photographs and play no independent role.

In light of these facts, Book 11 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of publishing the Photographs in Book 11 was to use the portraits, etc. of Plaintiff M, N, O, P, Q, or R themselves as goods to be independently appreciated by readers and to take advantage of the power of their portraits, etc. to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of the aforementioned plaintiffs and violates the tort law.

L. Book 12

(A) According to the evidence (Exhibit Ko 12), the following facts can be found.

a. Book 12 is an A5-size book consisting of 112 pages in total with the title "KAT-TUN Photo & Episode Tough Guys."

Book 12, including the front cover, the folded flap of the front cover, the back cover, and the folded flap of the back cover, contains 142 color photographs and 34 black-and-white photographs (176 photographs in total) showing the members of KAT-TUN, namely, Plaintiff M, N, O, P, Q, or R (Photographs Ko 12-1 to 12-177; Photographs Ko 12-54 and 12-55 make one photograph; Photographs Ko 12-7 to 12-10, 12-16, 12-17, 12-24, 12-27, 12-33, 12-36, 12-47, 12-53, 12-56, 12-69, 12-73, 12-76, 12-86, 12-93, 12-99, 12-104, 12-117, 12-118, 12-121, 12-126, 12-136, 12-142, 12-152, 12-159, and 12-167 to 12-172 are in black and white; The other photographs are in color). The information about the page number of the page containing each photograph, the position of each photograph in pages that contain multiple photographs, and the name of the plaintiff who is shown in each photograph is provided in the sections titled "Page No.," "Position," and "Name of the plaintiff in the photograph" in the segment titled "Plaintiffs' allegations" in the attached Specific Allegation List (12). The size of each photograph is stated in the section "Defendant" of the segment

"Photograph size" of "Defendant's allegation and the plaintiffs' acceptance or non-acceptance" in said list (The size of Photograph Ko 12-95 is "D"; The size of Photograph Ko 12-96 is "D").

b. The front cover states "KAT-TUN Photo & Episode Tough Guys" and "全160カットお宝プライベートフォト&ライブ写真満載!" (160 treasure photographs of private lives and concerts) and presents Photographs Ko 12-1 to 12-4. The spine states "KAT-TUN Photo & Episode Tough Guys" and "お宝フォト満載" (Many treasure photographs). The folded flap of the front cover presents Photographs Ko 12-5 and 12-6.

c. Page 1 states "KAT-TUN Photo & Episode Tough Guys" and "全160カットお宝プライベートフォト&ライブ写真満載!" and presents Photographs Ko 12-7 to 12-10.

Page 2 starts with the title "Contents" followed by the table of contents shown below. Pages 2 and 3 present Photograph Ko 12-11.

"はじめに (Introduction)	4
序章 一心同体の輝きを放つとき(Prelude United in brilliance)	8
第1章 Q ヤンチャ印は永遠に不滅です (Part 1 Q Never stop being naughty)	30
第2章 R 男だからこそ貫く想い (Part 2 R Man stays the same)	44
第3章 O 反逆児アイドル, かく戦う (Part 3 O Deviant idol fights this way)	58
第4章 P ずっこけ魂でつき抜けろ (Part 4 P Go with "Zukkoke" spirit)	76
第5章 N 新しい息吹は歌とともに (Part 5 N Revival with songs)	90
第6章 M どっこいサイエンスを極めよう (Part 6 M Master science)	100
KAT-TUN お宝ショット館 (KAT-TUN Treasure photograph hall)	
(1) Q 34/ (2) R 46/ (3) O 60/ (4) P 78/ (5) N 92/ (6) M 102	
KAT-TUN Special Profile 1998-2008	110"

d. Pages 4 and 5 contain a part titled "はじめに." These two pages describe the current situation of KAT-TUN. Pages 6 and 7 present Photographs Ko 12-12 and 12-13 and also present a short statement concerning each plaintiff next to each photograph.

e. Pages 8 to 29 contain a part titled "序章 一心同体の輝きを放つとき." Pages 8, 9, 12, 13, 16, 18, 22, 23, 26, and 27 contain an introductory section stating that KAT-TUN is a group of six members with a distinct personality and that they are expected to attract public attention in the future. Pages 12, 13, 19, 23, and 26 present Photographs Ko 12-16, 12-17, 12-24, 12-27, and 12-33. No explanation is provided for each photograph.

Pages 10, 11, 14, 15, 17, 20, 21, 24, 25, 28, and 29 present Photographs Ko 12-14, 12-18 to 12-23, 12-25, 12-26, 12-28 to 12-32, 12-34, and 12-35. Pages 10, 11, 14, 15, 20, 21, 24, 28, and 29 present a short statement concerning each plaintiff next to each

photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

f. Pages 30 to 43 contain a part titled "Part 1 Q Q ヤンチャ印は永遠に不滅です." Pages 30, 31, 33, 36, 37, and 41 state that there have been reports about the relationships between Plaintiff Q and many women and that Plaintiff Q has the policy of putting his private life ahead of work. Pages 31, 37, and 40 present Photographs Ko 12-36, 12-47, and 12-53. There is no explanation about each photograph.

Pages 32, 38, 39, 42, and 43 present seven photographs, namely, Photographs Ko 12-37, 12-48 to 12-52, 12-54, and 12-55. Pages 32, 39, and 43 present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statement and the photographs.

Pages 34 and 35 start with the subtitle "KAT-TUN お宝ショット館 (1) Q" followed by Photographs Ko 12-38 to 12-46 and also present four short statements about Plaintiff Q.

g. Pages 44 to 57 contain a part titled "Part 2 R R 男だからこそ貫く想い." Pages 44, 45, 48, 50, 54, and 55 state that, while Plaintiff R played the leading role in a TV drama, its viewing rate was lower than expected and explain why his relationship with an actress ended. Pages 45, 51, and 54 present Photographs Ko 12-56, 12-69, and 12-73. There is no explanation about each photograph.

Pages 49, 52, 53, 56, and 57 present Photographs Ko 12-66 to 12-68, 12-70 to 12-72, 12-74, and 12-75. Pages 49, 52, 53, 56, and 57 present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

Pages 46 and 47 start with the subtitle "KAT-TUN お宝ショット館 (2) R" followed by Photographs Ko 12-57 to 12-65 and also present three short statements about Plaintiff R.

h. Pages 58 to 75 contain a chapter titled "Part 3 O O 反逆児アイドル, かく戦う." Pages 58, 59, 62, 63, 65, 68, 69, 72, and 73 state that, when Plaintiff O played the leading role in a TV drama for the first time, he suffered great pressure and that he has been very much into rap music. Pages 59, 63, 69, and 72 present Photographs Ko 12-76, 12-86, 12-93, and 12-99. There is no explanation about each photograph.

Pages 64, 66, 67, 70, 71, 74, and 75 present Photographs Ko 12-87 to 12-92, 12-94 to 12-98, and 12-100 to 12-103. Pages 66, 67, 71, and 75 present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

Pages 60 and 61 start with the subtitle "KAT-TUN お宝ショット館 (3) O"

followed by Photographs Ko 12-77 to 12-85 and also present three short statements about Plaintiff O.

i. Pages 76 to 89 contain a chapter titled "Part 4 P P ずっこけ魂でつき抜けろ." Pages 76, 77, 80, 82, 83, 86, and 87 describe Plaintiff P's fashion style and jokes. Pages 77, 82, 83, and 86 present Photographs Ko 12-104, 12-117, 12-118, and 12-121. No explanation is provided for each photograph.

Pages 81, 84, 85, 88, and 89 present Photographs Ko 12-114 to 12-116, or 12-119, 12-120, and 12-122 to 12-125 and present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

Pages 78 and 79 start with the subtitle "KAT-TUN お宝ショット館 (4) P" followed by Photographs Ko 12-105 to 12-113 and also present three short statements about Plaintiff P.

j. Pages 90 to 99 contain a chapter titled "Part 5 N N 新しい息吹は歌とともに." Pages 90, 91, 94, 95, and 97 state that Plaintiff N reflected on himself and regained a sense of himself and that he is planning to conduct a solo concert. Pages 91 and 95 present Photographs Ko 12-126 and 12-136. No explanation is provided for each photograph.

Pages 96, 98, and 99 present Photographs Ko 12-137 to 12-141 and present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

Pages 92 and 93 start with the subtitle "KAT-TUN お宝ショット館 (5) N" followed by Photographs Ko 12-127 to 12-135 and present three short statements about Plaintiff N.

k. Pages 100 to 111 contain a chapter titled "Part 6 M M どっこいサイエンスを極めよう." Pages 100, 101, 104, 105, 108, and 109 state that Plaintiff M is diligent and always calm and that he is planning to conduct a solo stage performance. Pages 101, 105, and 108 present Photographs Ko 12-142, 12-152, and 12-159. No explanation is provided for each photograph.

Pages 106 and 107 present Photographs Ko 12-153 to 12-158 and present a short statement concerning each plaintiff next to each photograph. However, there is no particular relationship between the concrete content of these statements and the photographs.

Pages 102 and 103 start with the subtitle "KAT-TUN お宝ショット館 (6) M" followed by Photographs Ko 12-143 to 12-151 and also present two short statements about Plaintiff M.

l. Pages 110 and 111 start with the subtitle "KAT-TUN Special Profile 1998-2008" followed by a section describing various events related to KAT-TUN during the period from 1998 to 2008 and also present Photographs Ko 12-160 to 12-166.

m. Page 112 provides publication data and a profile of the editor and also presents Photographs Ko 12-167 to 12-172.

n. The back cover states "KAT-TUN Photo & Episode Tough Guys" and "KAT-TUN お宝ショット館" and presents Photograph Ko 12-177. The folded flap of the back cover presents Photographs Ko 12-173 to 12-176.

(B) Book 12, which is titled "KAT-TUN Photo & Episode Tough Guys," is a photo book containing a large number of photographs showing the members of KAT-TUN, namely, Plaintiff M, N, O, P, Q, and R. On the front cover, it is stated that "全160カットお宝プライベートフォト&ライブ写真満載!" On the spine, it is stated that "お宝フォト満載." On the back cover, it is stated "KAT-TUN お宝ショット館."

More specifically, Book 12 contains 176 photographs (of which 142 photographs are in color) showing the aforementioned plaintiffs on 83 pages out of its 112 pages in total. Furthermore, most of the pages contain only photographs or present a short statement next to each photograph. "Prelude" and each chapter of Parts 1 to 6 describe KAT-TUN and the plaintiffs, i.e, the KAT-TUN members. The number of pages in each part starting from "Prelude" is 10, 6, 6, 9, 7, 5, and 6. In light of the content of those statements, the number of the Photographs, and the manner of presenting them, these statements should be considered to have been merely added to the Photographs as an introduction for each part containing photographs, and cannot be considered to play any independent role.

In light of these facts, Book 12 should be considered to have been published for the purpose of using the Photographs as objects to be appreciated by readers.

Therefore, it can be said that the sole purpose of the defendant's act of publishing the Photographs in Book 12 was to use the portraits, etc. of Plaintiff M, N, O, P, Q, or R themselves as goods to be independently appreciated by readers and to take advantage of the power of their portraits, etc. to attract consumers. Thus, it should be said that the defendant's act constitutes infringement of the publicity right of the aforementioned plaintiffs and violates the tort law.

2. Regarding Issue 3, the following section will determine the amount of damage suffered by the plaintiffs as a result of infringement of their publicity rights.

(1) The defendant's act of publishing the Photographs in the Books constitutes infringement of the plaintiffs' publicity rights. Since the publicity right is the right to exclusively use the power of one's photographic portraits, etc. to attract consumers, it

can be found that, as a result of the defendant's act, the plaintiffs suffered such amount of damage that is equivalent to the amount that the plaintiffs should have received under normal circumstances if the plaintiffs had licensed the defendant to use photographs showing them respectively.

(2) The following section examines how much the plaintiffs should have received under normal circumstances if they had licensed the defendant to use photographs showing them respectively for publishing the Books.

A. According to the evidence (Exhibits Ko 13 to 17, 18-1 and 18-2, 19, Otsu 7 to 10) and the entire import of the oral argument, the following facts can be found.

(A) X(omitted)X was commissioned by Plaintiffs H, I, J, K, and L to manage their respective photographic portraits. On May 10, 2002, X(omitted)X agreed with MAGAZINE HOUSE CO., LTD. that X(omitted)X shall license MAGAZINE HOUSE CO., LTD. to produce and publish a photo book titled "嵐 1st 写真集 in a rush!" containing photographic portraits of the members of Arashi and that MAGAZINE HOUSE CO., LTD. shall pay X(omitted)X such amount of performance fee that is calculated as follows.

X(omitted)X

(B) On January 1, 2007, X(omitted)X promised that X(omitted)X shall pay X(omitted)X, which manages the rights of Plaintiffs H, I, J, K, and L for their portraits, the X(omitted)X as royalties for a photo book titled "ARASHI AROUND ASIA" containing photographic portraits of the members of Arashi.

(C) For the publication of a photo book titled "ARASHI IS ALIVE!" on September 3, 2008, Shueisha Inc. promised to pay X(omitted)X such amount of royalties that is calculated by the following formula X(omitted)X.

X(omitted)X

(D) On December 25, 2003, X(omitted)X, which had been commissioned by Plaintiffs M, N, O, P, Q, and R to manage the rights to their respective portraits, agreed with WANI BOOKS CO., LTD. ("Wanibooks") that X(omitted)X shall grant to Wanibooks the right to publish a photo book titled "KAT-TUN 1st. in NEW YORK" containing photographic portraits of the members of KAT-TUN and that Wanibooks shall X(omitted)X to X(omitted)X.

(E) On August 3, 2009, X(omitted)X agreed with X(omitted)X that X(omitted)X shall license X(omitted)X to produce, publish, and sell a photo book titled "KAT-TUN LIVE DOCUMENT PHOTOBOOK "BREAK the RECORDS"" containing photographic portraits of the members of KAT-TUN and that X(omitted)X shall pay X(omitted)X such amount of royalties that is calculated by the following formula.

X(omitted)X

B. According to the facts found in A above, it can be found that, when X(omitted)X licensed the publishing company to publish or otherwise handle a photo book containing photographic portraits of the plaintiffs, X(omitted)X received X(omitted)X from the publishing company. Therefore, it can be found that the amount of money that the plaintiff should have received under normal circumstances for licensing the defendant to use photographs showing the plaintiffs respectively in order to publish the Books is equivalent to at least 10% of the prices of the Books multiplied by the number of copies published.

C. According to the evidence (Exhibits Otsu 1-1 to 1-12) and the entire import of the oral argument, the following facts can be found.

(A) The defendant requested Jonan Gurabiya Kabushiki Kaisha ("Jonan Gurabiya") to print and bind Book 1. During the period from September 17, 2008, to February 3, 2009, Jonan Gurabiya printed and bound a total of 28,000 copies of Book 1 and delivered them to the defendant. On around October 1, 2008, the defendant started selling Book 1 and sold at least 27,294 copies.

(B) The defendant requested Jonan Gurabiya to print and bind Book 2. During the period from October 27, 2008, to August 7, 2009, Jonan Gurabiya printed and bound a total of 24,000 copies of Book 2 and delivered them to the defendant. On around November 5, 2008, the defendant started selling Book 2 and sold at least 21,555 copies.

(C) The defendant requested Jonan Gurabiya to print and bind Book 3. During the period from October 27, 2008, to January 21, 2009, Jonan Gurabiya printed and bound a total of 19,000 copies of Book 3 and delivered them to the defendant. On around November 5, 2008, the defendant started selling Book 3 and sold at least 17,064 copies.

(D) The defendant requested Jonan Gurabiya to print and bind Book 4. During the period from October 9, 2008, to February 23, 2009, Jonan Gurabiya printed and bound a total of 25,000 copies of Book 4 and delivered them to the defendant. On around October 25, 2008, the defendant started selling Book 4 and sold at least 22,837 copies.

(E) The defendant requested Jonan Gurabiya to print and bind Book 5. During the period from September 17, 2008, to January 21, 2009, Jonan Gurabiya printed and bound a total of 31,000 copies of Book 5 and delivered them to the defendant. On around October 1, 2008, the defendant started selling Book 5 and sold at least 29,985 copies.

(F) The defendant requested Jonan Gurabiya to print and bind Book 6. During the period from September 25, 2007, to August 17, 2009, Jonan Gurabiya printed and bound a total of 39,000 copies of Book 6 and delivered them to the defendant. On

around September 28, 2007, the defendant started selling Book 6 and sold at least 36,386 copies.

(G) The defendant requested Jonan Gurabiya to print and bind Book 7. On August 30, 2006, Jonan Gurabiya printed and bound 20,000 copies of Book 7 and delivered them to the defendant. On around September 5, 2006, the defendant started selling Book 7 and sold at least 7,663 copies.

(H) The defendant requested Jonan Gurabiya to print and bind Book 8. On August 30, 2006, Jonan Gurabiya printed and bound 20,000 copies of Book 8 and delivered them to the defendant. On around September 5, 2006, the defendant started selling Book 8 and sold at least 5,798 copies.

(I) The defendant requested Jonan Gurabiya to print and bind Book 9. During the period from April 28, 2006, to May 20, 2009, Jonan Gurabiya printed and bound a total of 46,500 copies of Book 9 and delivered them to the defendant. On around May 15, 2006, the defendant started selling Book 9 and sold at least 44,829 copies.

(J) The defendant requested Jonan Gurabiya to print and bind Book 10. During the period from March 2, 2006, to June 21, 2006, Jonan Gurabiya printed and bound a total of 45,000 copies of Book 10 and delivered them to the defendant. On around March 15, 2006, the defendant started selling Book 10 and sold at least 42,218 copies.

(K) The defendant requested Jonan Gurabiya to print and bind Book 11. During the period from August 24, 2005, to August 7, 2006, Jonan Gurabiya printed and bound a total of 69,000 copies of Book 11 and delivered them to the defendant. On around August 30, 2005, the defendant started selling Book 11 and sold at least 66,670 copies.

(L) The defendant requested Jonan Gurabiya to print and bind Book 12. During the period from July 25, 2008, to October 2, 2008, Jonan Gurabiya printed and bound a total of 12,500 copies of Book 12 and delivered them to the defendant. On around August 11, 2008, the defendant started selling Book 12 and sold at least 11,007 copies.

D. The regular retail price of the Books is 1,300 yen each. According to the facts found in C above, numbers of printed copies of the Books are as follows respectively: Book 1: 28,000 copies; Book 2: 24,000 copies; Book 3: 19,000 copies; Book 4: 25,000 copies; Book 5: 31,000 copies; Book 6: 39,000 copies; Book 7: 20,000 copies; Book 8: 20,000 copies; Book 9: 46,500 copies; Book 10: 45,000 copies; Book 11: 69,000 copies; Book 12: 12,500 copies. Thus, the amount of money that the plaintiffs should have received under normal circumstances for licensing the defendant to use photographs showing them respectively, in other words, the amount calculated by multiplying 10% of the price of the Books by the number of copies published, is as follows.

(A) Book 1 3,640,000 yen (1,300 yen×10%×28,000 copies)

- (B) Book 2 3,120,000 yen (1,300 yen×10%×24,000 copies)
- (C) Book 3 2,470,000 yen (1,300 yen×10%×19,000 copies)
- (D) Book 4 3,250,000 yen (1,300 yen×10%×25,000 copies)
- (E) Book 5 4,030,000 yen (1,300 yen×10%×31,000 copies)
- (F) Book 6 5,070,000 yen (1,300 yen×10%×39,000 copies)
- (G) Book 7 2,600,000 yen (1,300 yen×10%×20,000 copies)
- (H) Book 8 2,600,000 yen (1,300 yen×10%×20,000 copies)
- (I) Book 9 6,045,000 yen (1,300 yen×10%×46,500 copies)
- (J) Book 10 5,850,000 yen (1,300 yen×10%×45,000 copies)
- (K) Book 11 8,970,000 yen (1,300 yen×10%×69,000 copies)
- (L) Book 12 1,625,000 yen (1,300 yen×10%×12,500 copies)

(3) In view of the facts found above, the amount of damage suffered by each of the plaintiffs is determined as follows.

A. Plaintiff H

(A) Plaintiff H has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 1 and 6. The amount of money that Plaintiff H should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff H can be found to be equivalent to the entire amount calculated for Book 1 above, i.e., 3,640,000 yen, and one fifth of the amount calculated for Book 6 above, i.e., 1,014,000 yen. Therefore, the total of these amounts, i.e., 4,654,000 yen, can be considered to be the same as the amount of damage suffered by Plaintiff H.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 465,400 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff H can be found to be 5,119,400 yen.

B. Plaintiff I

(A) Plaintiff I has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 2 and 6. The amount of money that Plaintiff I should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff I can be found to be equivalent to the entire amount calculated for Book 2 above, i.e., 3,120,000 yen, and one fifth of the amount calculated for Book 6 above, i.e., 1,014,000 yen. Therefore, the total of these amounts, i.e., 4,134,000 yen, can be considered to be the same as the amount of damage

suffered by Plaintiff I.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 413,400 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff I can be found to be 4,547,400 yen.

C. Plaintiff J

(A) Plaintiff J has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 3 and 6. The amount of money that Plaintiff J should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff J can be found to be equivalent to the entire amount calculated for Book 3 above, i.e., 2,470,000 yen, and one fifth of the amount calculated for Book 6 above, i.e., 1,014,000 yen. Therefore, the total of these amounts, i.e., 3,484,000 yen, can be considered to be the same as the amount of damage suffered by Plaintiff J.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 348,400 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff J can be found to be 3,832,400 yen.

D. Plaintiff K

(A) Plaintiff K has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 4 and 6. The amount of money that Plaintiff K should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff K can be found to be equivalent to the entire amount calculated for Book 4 above, i.e., 3,250,000 yen, and one fifth of the amount calculated for Book 6 above, i.e., 1,014,000 yen. Therefore, the total of these amounts, i.e., 4,264,000 yen, can be considered to be the same as the amount of damage suffered by Plaintiff K.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 426,400 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff K can be found to be

4,690,400 yen.

E. Plaintiff L

(A) Plaintiff L has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 5 and 6. The amount of money that Plaintiff L should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff L can be found to be equivalent to the entire amount calculated for Book 5 above, i.e., 4,030,000 yen, and one fifth of the amount calculated for Book 6 above, i.e., 1,014,000 yen. Therefore, the total of these amounts, i.e., 5,044,000 yen, can be considered to be the same as the amount of damage suffered by Plaintiff L.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 504,400 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff L can be found to be 5,548,400 yen.

F. Plaintiff M

(A) Plaintiff M has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 7, 11, and 12. The amount of money that Plaintiff M should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff M can be found to be equivalent to half the amount calculated for Book 7 above, i.e., 1,300,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount calculated for Book 12 above, i.e., 270,833 yen (any fraction under one yen shall be disregarded; the same applies hereinafter). Therefore, the total of these amounts, i.e., 3,065,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff M.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 306,583 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff M can be found to be 3,372,416 yen.

G. Plaintiff N

(A) Plaintiff N has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 7, 11, and 12. The amount of

money that Plaintiff N should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff N can be found to be equivalent to half the amount calculated for Book 7 above, i.e., 1,300,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount calculated for Book 12 above, i.e., 270,833 yen. Therefore, the total of these amounts, i.e., 3,065,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff N.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 306,583 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff N can be found to be 3,372,416 yen.

H. Plaintiff O

(A) Plaintiff O has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 8, 11, and 12. The amount of money that Plaintiff O should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff O can be found to be equivalent to half the amount calculated for Book 8 above, i.e., 1,300,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount calculated for Book 12 above, i.e., 270,833 yen. Therefore, the total of these amounts, i.e., 3,065,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff O.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 306,583 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff O can be found to be 3,372,416 yen.

I. Plaintiff P

(A) Plaintiff P has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 8, 11, and 12. The amount of money that Plaintiff P should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff P can be found to be equivalent to half the amount calculated for Book 8 above, i.e., 1,300,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount

calculated for Book 12 above, i.e., 270,833 yen. Therefore, the total of these amounts, i.e., 3,065,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff P.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 306,583 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff P can be found to be 3,372,416 yen.

J. Plaintiff Q

(A) Plaintiff Q has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 9, 11, and 12. The amount of money that Plaintiff Q should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff Q can be found to be equivalent to the entire amount calculated for Book 9 above, i.e., 6,045,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount calculated for Book 12 above, i.e., 270,833 yen. Therefore, the total of these amounts, i.e., 7,810,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff Q.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 781,083 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff Q can be found to be 8,591,916 yen.

K. Plaintiff R

(A) Plaintiff R has suffered infringement on his publicity right as a result of the defendant's act of publishing the Photographs in Books 10 to 12. The amount of money that Plaintiff R should have received under normal circumstances for licensing the defendant to use the photographs showing Plaintiff R can be found to be equivalent to the entire amount calculated for Book 10 above, i.e., 5,850,000 yen, one sixth of the amount calculated for Book 11 above, i.e., 1,495,000 yen, and one sixth of the amount calculated for Book 12 above, i.e., 270,833 yen. Therefore, the total of these amounts, i.e., 7,615,833 yen, can be considered to be the same as the amount of damage suffered by Plaintiff R.

(B) Based on a comprehensive evaluation of the nature of this case, the amounts

calculated above, and the past proceedings in this lawsuit, it is reasonable to find that the amount of damage that corresponds to the attorneys' fee that has a proximate causal relationship with the defendant's act of tort is 761,583 yen in total.

(C) Thus, the total amount of damage suffered by Plaintiff R can be found to be 8,377,416 yen.

(4) Therefore, the defendant shall pay 5,119,400 yen to Plaintiff H, 4,547,400 yen to Plaintiff I, 3,832,400 yen to Plaintiff J, 4,690,400 yen to Plaintiff K, 5,548,400 yen to Plaintiff L, 3,372,416 yen to Plaintiffs M, N, O, and P, respectively, 8,591,916 yen to Plaintiff Q, and 8,377,416 yen to Plaintiff R as well as the amount accrued thereon at the rate of 5% per annum as specified in the Civil Code for the period from August 26, 2009 (the date of the service of a statement of claim), to the date of completion of the payment.

3. Issue 2 (Whether the defendant's act of shooting the Photographs and presenting them in the Books constitutes infringement of the plaintiffs' moral interests in forbidding casual shooting and publication of any photographs showing their appearances, etc.) is examined below.

The plaintiffs alleged that the plaintiffs suffered infringement on their interests mentioned above as a result of the defendant's act and consequently suffered damage that is equivalent to the total of the amount of the attorneys' fee and the amount of profits that the plaintiffs could have gained if they had licensed the defendant to use their photographic portraits, their names, the name of the group, etc. when publishing the Books.

Meanwhile, even if the defendant's act of shooting the Photographs and presenting them in the Books constitutes infringement of the aforementioned interest of the plaintiffs, it would not necessarily mean that the plaintiffs suffered such amount of damage that is equivalent to the total of the amount of the attorneys' fee and the amount of profits that the plaintiffs could have gained if they had licensed the defendant to use their photographic portraits, etc. In this case, there is no sufficient evidence to find that the plaintiffs suffered the aforementioned damage.

Therefore, the plaintiffs' claim for payment of damages on the grounds of the infringement of the aforementioned interests is groundless.

4. Issue 4 (Whether the plaintiffs are entitled to seek an injunction against the defendant's act of publishing and selling the Books and to demand destruction thereof by the defendant) is examined below.

According to the entire import of the oral argument, the defendant can be found to have been continuously selling the Books. The defendant alleged that its act of

publishing and selling the Books does not constitute infringement of the publicity rights of the plaintiffs. Under these circumstances, the defendant could publish and sell the Books or sell the Books in its possession in the future.

In light of the fact that the publicity right is a part of the rights that arise from moral rights, it should be said that, in order to stop or prevent infringement of the plaintiffs' publicity rights, the plaintiffs are entitled to seek an injunction against the defendant's act of publishing and selling the Books and to demand destruction of the Books in the possession of the defendant.

No. 4 Conclusion

On these grounds, the plaintiffs' claims are well grounded to the extent that is stated in paragraphs 1 to 3 of the main text, while the rest of the claims are groundless.

The judgment shall be rendered in the form of the main text.

Tokyo District Court, 47th Civil Division

Presiding judge: TAKANO Teruhisa

Judge: MITSUI Tomonawo

Judge OGAWA Takatoshi cannot sign and seal this document due to a transfer of position.

Judge: TAKANO Teruhisa

List of Parties

Plaintiff H

Plaintiff I

Plaintiff J

Plaintiff K

Plaintiff L

Plaintiff M

Plaintiff N

Plaintiff O

Plaintiff P

Plaintiff Q

Plaintiff R

Defendant R's Publishing, Inc.

Book List

No.	Title	Author	Publication date
1	嵐 H コンプリートお宝フォトファイル Starring (Arashi H complete treasure photo file: Starring)	S & Jr. 倶楽部 (S & Jr. Club)	October 1, 2008
2	嵐 I コンプリートお宝フォトファイル Omnis (Arashi I complete treasure photo file: Omnis)	S & Jr. 倶楽部 (S & Jr. Club)	November 5, 2008
3	嵐 J コンプリートお宝フォトファイル Appassionata (Arashi J complete treasure photo file: Appassionata)	S & Jr. 倶楽部 (S & Jr. Club)	November 5, 2008
4	嵐 K コンプリートお宝ファイル Infinity (Arashi K complete treasure photo file: Infinity)	S & Jr. 倶楽部 (S & Jr. Club)	October 25, 2008
5	嵐 L コンプリートお宝フォトファイル The Tops (Arashi L complete treasure photo file: The Tops)	S & Jr. 倶楽部 (S & Jr. Club)	October 1, 2008
6	嵐 お宝フォト BOOK BIG WAVE (Arashi treasure photo book: BIG WAVE)	T & Jr. 倶楽部 (T & Jr. Club)	September 28, 2007
7	KAT-TUN N&M コンプリートお宝フォトファイル Brilliant	S & Jr. 倶楽部 (S & Jr.)	September 5, 2006

	(KAT-TUN N&M complete treasure photo file: Brilliant)	Club)	
8	KAT-TUN P&O コンプリートお宝フォトファイル Amazing! (KAT-TUN P&O complete treasure photo file: Amazing!)	S & Jr. 倶楽部 (S & Jr. Club)	September 5, 2006
9	KAT-TUN Q コンプリートお宝フォトファイル Shine (KAT-TUN Q complete treasure photo file: Shine)	S & Jr. 倶楽部 (S & Jr. Club)	May 15, 2006
10	KAT-TUN R コンプリートお宝フォトファイル Winning (KAT-TUN R complete treasure photo file: Winning)	S & Jr. 倶楽部 (S & Jr. Club)	March 15, 2006
11	KAT-TUN お宝フォト BOOK BOMB! (KAT-TUN treasure photo book: BOMB!)	T & Jr. 倶楽部 (T & Jr. Club)	August 30, 2005
12	KAT-TUN Photo&Episode Tough Guys	S & Jr. 倶楽部 (S & Jr. Club)	August 11, 2008

Specific Allegation Lists : omitted