

Kobayashi v. Hattori

Case Name: Asei Kobayashi v. Katsuhisa Hattori for Plagiarism

Decision Date: March 11, 2003

Supreme Court of Japan (the Third Petty Bench) Heisei 14 (o 才) no. 1763; Heisei 14 (Ju 受) no. 1793.

(Trial court case: Tokyo District Court Heisei 10 (wa ㊦) no. 17119; Heisei 10 (wa ㊦) no. 21285 / Appellate court case: Tokyo High Court Heisei 12 (ne ㇏) no. 1516, Claims for damages, counterclaim for copyright confirmation request).

DECISION

Appellant and petitioner: Katsuhisa Hattori.

Attorneys at Law: Nobuyuki Kamiya,
Junichi Asahi,
Mikiko Yamanouchi,
Hirohito Nishihata, and
Tadashi Oe.

Respondent and counterparty: Asei Kobayashi.

Respondent and counterparty: Kanai Music Publishing Co., Ltd.
Representative Director: Ichi Hara
Attorneys at Law: Junichiro Inoue, and
Takao Sato

In response to the judgment entered by the Tokyo High Court on September 6, 2002, the appellant and petitioner filed an appeal and a petition for acceptance of the appeal.

Here, the court decides as follows.

MAIN TEXT

The appeal is dismissed.

We will not review this case as an appeal.

Appeal and petition costs shall be borne by the appellant and petitioner.

REASONING

1. About appeal

Appeals to the Supreme Court on civil cases are permitted only in the cases prescribed in Article 312, Paragraph 1 or 2 of the Code of Civil Procedure. The reasons for appealing this case refer to unconstitutionality and deficiencies / discrepancies in the judgment, but the substance of the appeal is a misunderstanding of facts or a mere violation of laws and regulations, and clearly does not fall under the grounds stipulated in the above paragraphs.

2. About petition for acceptance of appeal

According to the reason for the petition, it is not recognized that this case should be accepted under Article 318, Paragraph 1 of the Code of Civil Procedure.

Therefore, with the unanimous opinion of all judges, the decision will be made according to the main text.

Supreme Court of Japan (the Third Petty Bench)

Chief Judge Tokiyasu Fujita
Judge Toshihiro Kanaya
Judge Kunio Hamada
Judge Toyozo Ueda