

Case Information

Case	TRIPP TRAPP case
Court, case no.	IP High Court 2014(Ne) 10063
Date of judgment	April 14, 2015
Parties	Appellants: Peter Opsvik AS, Stokke AS Appellee: Katoji Co., Ltd.

FACTS

The Appellants, or the plaintiffs, asserted that the shape of a child's chair of the Appellee, or the defendant, is similar to the shape of an Appellants' child's chair named "TRIPP TRAPP" and therefore manufacture and sale of Appellee's chair infringes the Appellants' copyrights.

ISSUE

- I. Whether the shape of the Appellants' chair is entitled to copyright protection even though it is considered to be an applied art (or industrial product); and,
- II. Assuming that the Appellants' chair is entitled to copyright protection, does the manufacture and sale of the Appellee's chair infringe the Appellant's copyright?

HOLDING

First, regarding issue I, the Court held that because the Appellants' chair is a chair for children and is mainly put to practical use, it is obvious that Appellants' chair does not constitute "works of artistic craftsmanship" under the Copyright Act (the "Act"). The Court further studied whether the Appellants' chair is given copyright protection as an "artistic work" under the Act. The Court held that in order to be given copyright protection as an "artistic work," it is not required that the expression at issue be creative in a strict sense, but it is necessary for such expression to show certain unique characteristics of the creator. If the expression is ordinary and commonplace, the expression may not be considered to express any unique characteristics of the creator and thus may not be considered a "creative" expression. The Court also stated that it is not appropriate to require a high standard of creativity such as an "aesthetic feature" for applied arts to enjoy copyright protection.

Here, in light of this, the Court found that part of the appellants' product was copyrightable as an "artistic work," stating that the part of the Appellants' product may constitute a "creative" expression considering the fact that said product exhibits the unique characteristics of the creator.

On the other hand, regarding issue II, the Court did not find copyright infringement. The Court stated that the appellee's product may not be considered similar to such part of the appellants' product that may be found to be copyrightable.

Original Document (Japanese):

http://www.ip.courts.go.jp/app/files/hanrei_jp/044/085044_hanrei.pdf

English Translation:

http://www.ip.courts.go.jp/app/files/hanrei_en/861/001861.pdf