

Media

~ Legal Issues in Media and Press ~

1. Introduction

Media reports are important in that they help people access information, but depending on their content, they may lead to defamation, insult, damage of credit, invasion of privacy, infringement of publicity rights, copyright infringement, unauthorized acquisition of trade secrets, etc.

In addition, with the development of the Internet, companies and individuals can easily become the main source of information through social networking services, etc., and it is thought that the opportunities for entities other than the mass media to face these challenges are increasing.

Below are some examples of media-related legal problems.

2. Specific Cases

1) Defamation and Insult

While the nature of news reporting may require criticism of others, publication of such articles may constitute defamation or insult.

2) Damage of Credit

If a news report or other content that damages the credibility of another company is made, it may fall under Article 2, Paragraph 1, Item 21 of the Unfair Competition Prevention Act, as well as a tort under the Civil Code (Article 709).

For example, if a company believes that a competitor is infringing on its intellectual property rights and makes a press release to that effect, the party that made the press release may be sued for damages on the contrary if the fact of infringement of intellectual property rights is not recognized.

3) Invasive of Privacy

Publication of private matters may constitute an invasion of privacy.

4) Copyright Infringement

If you introduce someone else's work in a news report, etc., you may be accused of copyright infringement. Thus, if copyright infringement is alleged against the media, for example, the defense of citation (Article 32 of the Copyright Act) may be asserted.

In addition, there may be an assertion of Article 41 of the Copyright Law (use for reporting current events), a limitation provision specific to the media, and so on.

5) Infringement of Publicity Rights

If you use the likeness of a celebrity, you may be subject to a claim of infringement of their right of publicity. Unlike the general public, a celebrity who has rights of publicity may make a claim for infringement not directly from the celebrity, but from their management office.

6) Trade Secret

Interviewing or disclosing non-public information may constitute an act of unauthorized acquisition or unauthorized disclosure of trade secrets (Article 2, Paragraph 1, Item 4 and the following items of the Unfair Competition Prevention Act).

3. Conclusion

Many court cases have been accumulated on issues related to media and expression. However, the criteria presented in court decisions are often abstract, and it is difficult for specialists to determine how they will be applied in specific cases.

In general, the earlier you consult with us, the more likely you are to achieve better results at less cost, so please feel free to contact us.



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