

## The online persona: *Hikikomori*, avatars and Japanese intellectual property law

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### Abstract

The authors will argue that Japan is a key exemplar of how IP law can be used to regulate the use of what we term user-generated computer characters and what we term proprietary computer characters. *User-generated computer characters* are characters 'designed' by the user; as well as avatars used in Internet forums, this includes characters designed for virtual worlds, such as the avatars in Second Life<sup>1</sup>, and characters designed in computer games, such as the Mii in Nintendo Wii games<sup>2</sup>. *Proprietary computer characters* are the 'fixed' characters within proprietary computer games<sup>3</sup>.

The reason for the focus on Japanese law in this area is three-fold:

- Japan has a long tradition (in its most recent form, *Manga*) of the publication of commercially important cartoon-type characters for mass consumption;
- There is some established jurisprudence as to the IP protection of such material, and<sup>4</sup>;
- The use of computer games is particularly widespread in Japan.

In this paper the authors will set out and critique how Japanese IP law regulates computer characters and will consider the lessons that can be learned for UK IP law.

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<sup>1</sup> See <http://secondlife.com/>.

<sup>2</sup> The Nintendo Wii console has a built-in Mii Channel that allows the user to create their own characters (known as Mii) for Wii Play games. See <http://ms.nintendo-europe.com/wii/?l=enGB>.

<sup>3</sup> E.g. the character Lara Croft in the Tomb Raider computer game franchise (see <http://www.eidosinteractive.co.uk/games/embed.html?gmid=173>).

<sup>4</sup> E.g. the *Sazae-san* case (the Decision of Tokyo District Court, No. 151. 26.05.1976) and the *POPEYE* case (the Decision of Osaka District Court, No.27. 25.02.1984).