



Claim Form

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

In the	
Fee Account no.	
Help with Fees - Ref no. (if applicable)	H W F - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>
For court use only	
Claim no.	
Issue date	

Claimant(s) name(s) and address(es) including postcode



Defendant(s) name and address(es) including postcode

Brief details of claim

Value

Defendant's name and address for service including postcode

	£
Amount claimed	
Court fee	
Legal representative's costs	
Total amount	

For further details of the courts www.gov.uk/find-court-tribunal.
When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.

You must indicate your preferred County Court Hearing Centre for hearings here
(see notes for guidance)

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

No

Does, or will, your claim include any issues under the Human Rights Act 1998?

Yes

No

Claim no.

Particulars of Claim

attached

to follow

Statement of truth

Note: you are reminded that a copy of this claim form must be served on all other parties.

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in this claim form and any attached sheets are true.
- The claimant** believes that the facts stated in this claim form and any attached sheets are true. **I am authorised** by the claimant to sign this statement.

Signature



- Claimant
- Litigation friend (where claimant is a child or protected party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

Full name

Name of claimant's legal representative's firm

If signing on behalf of firm or company give position or office held

Claimant's or claimant's legal representative's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Phone number

DX number

Your Ref.

Email

Particulars of Claim in the Kingston upon Thames County Court

between

Masaaki Takashima – Claimant

and

Momoko Williams – Defendant

1. On 2nd October 2017, Claimant released to the public his personal website <https://shukatsuweb.net> as one of his voluntary activities providing useful information for older Japanese living in the UK such as medical / care system, inheritance, lifetime gift, will, dementia, lasting power of attorney etc in the UK in comparison with Japan, after the approval from Mrs. Atsuko Takenaka, hereinafter referred to as AT, one of Council members of the Japan Association in the U.K., which was established in 1996 and registered as charity organisation with charity registration No. 1145493 in 2012 with approx. 350 members, hereinafter referred to as JA. It also contained a free download of Japanese / English guidebook called NALC UK Ending Note in PDF file created by Claimant.
2. On 10th October 2017, Claimant received an email from AT, asking for the deletion of NALC UK Ending Note from his website. Claimant deleted it immediately on the same day and uploaded Shukatsuweb Ending Note instead, after changing the name of the guidebook on 12th October 2017 and sent an email to AT informing her of his action.
3. Claimant received a letter dated 18th December 2017 from a solicitor representing JA in order for them to investigate the alleged copyright infringement by Claimant in his Shukatsuweb Ending Note towards the guidebook called NALC Ending Note issued by Nippon Active Life Club in Japan, one of the largest non-profit voluntary organisations in Japan, hereinafter referred to as NALC Japan, and the possible damage compensation one-sidedly without any prior discussion with Claimant (see attached documentary evidence no. 1).
4. Even though Claimant's JA membership suspension was withdrawn by JA on 1st September 2018 after the submission of the letter of apology dated 18th July 2018 by Claimant to JA for having caused some troubles within JA, Claimant has been arguing with JA from the beginning that JA's allegation of copyright infringement against Claimant is groundless and insisting on his innocence for the last five years and a half continuously due to following reasons.
5. JA is not copyright holder of NALC Ending Note and the copyright holder is NALC Japan, who had no intention of taking up copyright issue against Shukatsuweb Ending Note legally in the UK at all, which was confirmed by Mr. Okada, then Manager of International Department of NALC Japan during the telephone conversation between himself and Claimant on 27th December 2017.

6. Despite Claimant's repeated demands made to JA to clarify which paragraphs on which page numbers of Shukatsuweb Ending Note were thought to have infringed copyright of NALC Ending Note, JA has never ever clarified the details to Claimant at all.
7. NALC Ending Note was compiled by NALC Japan aiming at Japanese older people living in Japan providing the information about personal history / memory, message to the family, care home / home care, lasting power of attorney, terminal ill, funeral, organ donation, will, emergency contact, asset list, insurance etc. Whereas, Shukatsuweb Ending Note was compiled by Claimant aiming at Japanese / English older people living in the UK providing the equivalent information in the UK in comparison with Japan in bilingual of Japanese / English. Therefore, its contents should obviously be different and unique enough from a copyright point of view.
8. NALC Ending Note has never been put up for sale to the public in the UK at all and the copies of the distribution of NALC Ending Note in the UK should be minimal, 5~10 copies or so at most, which had been brought from Japan into the UK personally for the internal distribution within JA only and, therefore, it should be worthless for JA to look into the damage compensation of the copyright infringement, involving the solicitor, paying £ 3,500 as solicitor's fee.
9. Being questioned by Claimant whether JA had eventually carried out the investigation of the alleged copyright infringement and the damage compensation as mentioned in their solicitor's letter dated 18th December 2017, Mr. Takaaki Hanaoka, then Vice Chairman of JA, hereinafter referred to as TH, confirmed verbally during the meeting with Claimant on 17th January 2020 that JA had actually received the investigation report from their solicitor in December 2017 to the surprise of Claimant. Then, Claimant demanded TH to disclose the solicitor's investigation report for the clarification of this matter but neither TH nor JA has agreed to disclose it to Claimant unjustifiably.
10. The fact that JA has been rejecting to disclose the investigation report of their solicitor received in December 2017 should presumably prove that the solicitor's view was not in favour of JA and it must have concluded that there had supposedly been no copyright infringement on Claimant's Shukatsuweb Ending Note contrary to their expectations.
11. Nevertheless, JA proceeded with this matter further, fabricating the things and made their solicitor send the letter to Claimant, notifying the suspension of Claimant's JA membership stating falsely that they would investigate this matter further with malicious conspiracy of getting rid of Claimant from JA probably.
12. Claimant sent an email on 8th July 2021 to Defendant, then Chairwoman of JA, stating his presumption to this effect and proposed to put an end to this matter, suggesting that Defendant

would admit the fact, disclosing the investigation report from their solicitor and make an apology to Claimant accordingly.

13. Defendant replied back to Claimant in her email dated 9th July 2021, stating Claimant's presumption was wrong and there had been copyright infringement on Claimant according to their solicitor and JA had, therefore, suspended Claimant's JA membership for his inappropriate behaviour as JA member (see documentary evidence no. 2).
14. Claimant submitted to JA his letter of accusation against Defendant on 6th December 2021 without any response eventually (see attached documentary evidence no. 3).
15. Then, Claimant brought up this matter at the Annual General Meeting of JA held on 3rd December 2022. Surprisingly, Defendant made an excuse, stating that she had not been aware of the true story of this matter and added that she had just sent an email to Claimant on 9th July 2021 following the suggestion from other JA Council members irresponsibly. However, being questioned whether Defendant had actually seen the investigation report from their solicitor, she admitted to have seen it.
16. The most important point of this matter is what was described in the investigation report from their solicitor, i.e., whether their solicitor's view was that there had been copyright infringement on Claimant's Shukatsuweb Ending Note or not. If Defendant had seen it, she should know it and it is clearly strange, unreasonable and self-contradictory to her statement that she had not been aware of the true story of this matter, meaning that her statement was nothing but false.
17. Then, Mrs. Chizuko Winter, the current Chairwoman of JA, intervened, stating that this matter would not be discussed further at either the Annual General Meeting or Councils Meeting of JA because it had already been solved and Claimant should bring this matter to the court if he would like to pursue this matter further.
18. Claimant strongly believes that this matter has been a series of continuous power harassment and bullying by Defendant as the former Chairwoman of JA towards Claimant in breach of the Section 8 Harassment of the Protection from Harassment Act 1997, causing Claimant serious psychological distress by her unfair, groundless and false allegation of copyright infringement without showing the evidence over the last five years and a half. Therefore, Claimant hereby has no other choice but to bring this matter to the court for fair solution of this matter and damage compensation by Defendant to Claimant accordingly.

Documentary Evidence 1)

Our ref RIDP/BRAR/132595/1
Your ref
Date 18 December 2017

 IBB solicitors

Special Delivery

Mr Masaaki Takashima
15 Earlsfield House
Royal Quarter
Seven Kings Way
Kingston KT2 5BG

Direct line 01895 207 862
Email paul.ridout@ibblaw.co.uk

Dear Mr Takashima

SUSPENSION AND REFUND OF YOUR MEMBERSHIP (NO 618)

We act for the Japan Association in the UK ("JA") and write to you in connection with the publication of the following two Ending Notes on your website, Shukatsuweb,:

- NALC UK's Ending Note; and
- Your version of NALC UK's Ending Note (the "**Shukatsuweb Ending Note**").

As you aware, JA has received multiple complaints about your website allowing free downloads of NALC UK's Ending Note and the Shukatsuweb Ending Note. This is because NALC UK's Ending Note, which is based on the booklet published by NALC Japan, has been published by you without NALC Japan's permission, and a substantial part of the Shukatsuweb Ending Note has been copied from NALC UK's Ending Note, also without NALC Japan's permission. We understand that your actions have been detrimental to JA and in particular to its relationship with NALC Japan.

As a result, we confirm that the council of trustees of JA has decided to suspend your membership of JA in order to investigate your misconduct further, as well as the damage suffered by NALC Japan following publication of the Ending Notes. The council of trustees of JA has made this decision in the best interests of JA, and bearing in mind their legal duties, under both company and charity law, to protect JA's reputation and the need to foster its relationship with NALC. JA will send you a cheque for a full refund of your membership fee for this year.

Our client appreciates that you have already removed the page from your website where NALC UK's Ending Note may be downloaded and that you are no longer claiming copyright ownership in either Ending Note. However, the continued publication of the Shukatsuweb Ending Note on your website is unacceptable to our client. In the circumstances, JA therefore requires you to:

Capital Court 30 Windsor Street Uxbridge Middlesex UB8 1AB
Tel 03456 381 381 Fax 08456 381 351 DX 45105 UXBRIDGE
www.ibblaw.co.uk Email enquiries@ibblaw.co.uk

A list of partners is available at all offices
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Authorised and regulated by the Solicitors Regulation Authority Reg. No. 78310

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- (1) Remove, and stop allowing downloads of, the Shukatsuweb's Ending Note from any section of your website, including but not limited to the middle section of your website (at <http://shukatsuweb.net/endingnote>) by 4pm on 28 December 2017;
- (2) Confirm that NALC UK's Ending Note and the Shukatsuweb Ending Note will not be made available in any other media to any person whatsoever, at any time in the future; and
- (3) Post a warning message to every person who is known to have already downloaded either NALC UK's Ending Note or the Shukatsuweb Ending Note from your website, informing them that the copyright of both booklets belongs to NALC Japan and must not be copied, reproduced or shared in any form by 4pm on 28 December 2017.

We look forward to hearing from you by 4pm on 28 December 2017 that you have completed the actions listed at points (1) and (3) above and that you agree to comply with point (2) listed above.

Yours sincerely



Paul Ridout
Partner, IBB Solicitors

IBB Solicitors' offices will be closed from 5:30pm on Friday 22 December 2017, and will re-open at 9am on Tuesday 2 January 2018.

During this period IBB will not accept service of documents by email or fax.

Documentary Evidence 2)

English translation of email sent by JA Chairwoman Mrs. Momoko Williams to Masaaki Takashima on 9th July 2021 15:24

Cc to JA Vice Chairman Mr. Takaaki Hanaoka

Mr. Takashima

I have duly received your email dated 8th July 2021.

Even though you mentioned that there had been no copyright infringement problem, it is wrong. According to the opinion of our solicitor, there had been copyright infringement problem. However, since the owner of copyright is NALC Japan and they said that they would leave this matter to JA, JA Councils made decision to suspend your JA membership for your inappropriate behavior rather than pursuing the copyright infringement problem legally which would cost us further.

Therefore, I would not believe that this matter is something which I should apologize to you personally and the Council would not approve such a thing by any means.

The Council would occasionally seek an advice from our solicitor for such things as not only a suspension of a membership or a removal of a member from JA but also any matters to do with our activities according to Companies Act, Charity Act.

As mentioned to you previously, the Councils have the right to consult our solicitor at our discretion and the estimate of solicitor's fee of £ 3,500 had duly been considered as reasonable at the Council's meeting and approved by them. This matter had been explained to you repeatedly in the past and our reply to you would be the same as before unless you yourself admit your misunderstanding.

Momoko Williams

Documentary Evidence 3)

c/o Japan Association in the U.K. (JA)
Secretary Mrs. Chizuko Winter
77, Victoria Street Box 108, London, SW1 0HW

6th December, 2021
Masaaki Takashima
15, Earlsfield House,
Royal Quarter, Seven Kings Way
Kingston, Surrey KT2 5BG

Dear Secretary Mrs. Chizuko Winter

A letter of accusation (English translation)

I would like to submit to you a letter of accusation as below.

Accuser	Masaaki Takashima (JA membership no. 618) 15, Earlsfield House, Royal Quarter, Seven Kings Way, Kingston upon Thames, Surrey KT2 5BG
Accused	JA Chairwoman Mrs. Momoko Williams 11, Cressy Road, Hampstead, London NW3 2NB
Case	Continuous false accusation / power harassment conducted by Chairwoman Mrs. Momoko Williams against Masaaki Takashima for the last six years from December 2017
Details	<p>Chairwoman Mrs. Momoko Williams sent an email to Masaaki Takashima on 9th July 2021 stating that according to the opinion of their solicitor, Masaaki Takashima had infringed a copyright. Then, the Councils had made their decision to suspend his JA membership for his inappropriate behavior as a JA member rather than pursuing the copyright issues legally which would cost them further.</p> <p>Masaaki Takashima, then, replied back to her demanding to show the proof of her statement, i.e., the copy of the solicitor's opinion but no reply had been received from her. Therefore, Masaaki Takashima accuses Chairwoman Mrs. Momoko Williams for her false accusation / power harassment against Masaaki Takashima and demand her withdrawal of her statement with her apology to Masaaki Takashima in writing.</p>
Document attached	English translation of Chairwoman Mrs. Momoko Williams email to Masaaki Takashima dated 9 th July 2021

I would sincerely ask the Councils to deal with this matter properly.

Yours Sincerely,

Masaaki Takashima

Documentary Evidence 2)

English translation of email sent by JA Chairwoman Mrs. Momoko Williams to Masaaki Takashima on 9th July 2021 15:24

Cc to JA Vice Chairman Mr. Takaaki Hanaoka

Mr. Takashima

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Momoko Williams