[FR] Breach of Right of Privacy and Right of Portrayal during a Television Programme

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In a ruling of 18 January 1995, the regional court of Nanterre confirmed that any private individual holds the exclusive rights to the use of his or her own picture, an inherent part of his or her personality, and that the individual in question can refuse the broadcasting or reproduction hereof without his or her express or tacit permission. The facts are as follows : on 19 November 1992, a Reuter's journalist filmed a fire in a building in Paris which included scenes of panic , especially one scene where one of the inhabitants of the building, Laurent Gilles, was hanging from a window before letting go and falling, bringing another person down with him on the way. Mr.Gilles gave a hospital bed interview to journalists from the German channel RTL Plus. The Court noted that TF1, the French television company that co-produced and broadcast the programme in question, had failed to show that it had obtained Mr.Gilles' permission to use and broadcast, both generally speaking and for the purposes of the programme "Les marches de la gloire", the scenes from the film in which he appeared, viz. the interview given to German television and which concerned a particularly painful episode from his private life, even though this happened in public, since in the circumstances, his life was in danger. The sole permission that had been given was for the programme "Augenzeugen Video" that was broadcast by RTL Plus. TF1 could not claim it was justified in broadcasting the scenes without Mr.Gilles' permission as the programme was of legitimate public interest. Moreover, by re-cutting the film solely in order to attract as wide an audience as possible, TF1 was guilty of manipulating Mr.Gilles' image and thus committing a breach of his right to privacy and of his right of portrayal.

Jugement du Tribunal de grande instance de Nanterre (1re Ch.A) du 18 janvier 1995, Laurent Gilles contre Télévision Française 1.

Ruling of the regional court of Nanterre (1st Ch.A) of 18 January 1995, Laurent Gilles vs. Télévision Française 1.

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