[FR] Copyright in respect of a Director Dismissed during Filming

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Not many cases are taken in the French courts by film directors against their producers. A recent case has determined the rights of all concerned when the contract between them for the production of a film is terminated.

Julien Seri was taken on as a director by the producer Luc Besson, and was subsequently dismissed during filming as his methods of working were considered unsatisfactory. Although he had participated in creating the screenplay and had filmed some of the scenes for the film, he was dismissed and replaced by a different director. Once this director had completed the film, and some time before the film was shown in cinemas, Julien Seri attempted to claim rights in respect of the scenes he had shot and to prevent the film from being shown.

The Regional Court in Paris rejected Julien Seri's claims on the grounds that he himself had failed to perform the obligations of the contract as screenwriter and director. As a result of that judgment he brought a case in an urgent matter before the Court of Appeal in Paris and called for the first showing of the film to be postponed. As joint screenwriter, he felt that the final version of the work had not been established by common agreement between all the joint screenwriters and that the work was therefore not complete, which meant that it could not be shown to the public.

The Court of Appeal in Paris did not agree with this line of argument and authorised the film to be shown as planned. According to Article L 121-5 of the Code de la Propriété Intellectuelle (Code of Intellectual Property - CPI), an audiovisual work is deemed complete when the final version has been established by the director, or "possibly" the joint authors and the producer. The appreciation of the true scope of this provision (and in this case interpretation of the term "possibly") was not in the remit of the judge sitting in urgent matters. Therefore, the right of supervision claimed by Julien Seri was apparently not established. Moreover, the agreement between the second director and Luc Besson was sufficient to determine the final version of the work, which could then be shown to the public, as the plaintiff had not demonstrated that his work had been distorted. The Court also found that the measure claimed was too vague in terms of a time period and could compromise the exploitation of the film, whereas reparation could be made in respect of the facts of the case once its merits had been heard. The case is still pending.

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TGI Paris, 3 chambre, 2 section, 23 mars 2001

Regional Court of Paris, 3 chamber, 2 section, 23 March 2001

Court of Appeal of Paris, 1 chamber, section P, order of 3 April 2001 in the case of Seri and Lyon v. Leeloo Production and Besson

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