[FR] Depiction of a Famous Paris Hotel in a Pornographic Film

IRIS 2001-6:1/37

Mathilde de Rocquigny
Légipresse

In a 1999 decision that has since become famous, the Court of Cassation upheld, on the basis of the law of ownership, the possibility for the owner of an item of property to oppose any commercial exploitation of that item, specifically by means of a photograph. A recent case has enabled the Regional Court in Paris to reach a similar decision. A company had produced and directed a pornographic film, distributed on video cassettes, in which a large part of the story took place inside the Paris hotel Le Crillon; various parts of the hotel were easily recognisable. The name of the hotel was mentioned on the sleeve of the cassette in its English translation and in the video. An employee of the hotel also appeared in the film. The company that owns the building of the hotel Le Crillon had not authorised the representation and the commercial exploitation of the image of the hotel, and therefore had the production company summoned to appear in court in an urgent matter in order to put a stop to the sale of the video cassettes. The employee of the hotel also took part in the proceedings, as he had not authorised the exploitation of his image.

Referring to the now famous expression used by the Court of Cassation, the judge sitting in urgent matters found that in application of Article 544 of the Civil Code, which covers the right of ownership, the owner alone has the right to exploit the property he owns in any way. It follows that the commercial exploitation of his property in the form of photographs or films, without the authorisation of the owner, by definition infringes the owner's right of enjoyment in respect of his property. Moreover, each person has the right to oppose the reproduction of his image made without his authorisation. Therefore, the Regional Court in Paris found that the distribution and sale of the film constituted a manifestly unlawful nuisance for both the owner of the hotel and the employee who appeared in the video.

Dealing with this as an urgent matter, the judge had to reconcile the rights of the individual - in this case the right of ownership - with the constitutional principle of freedom of expression. As the bans on distribution and the seizure demanded by the plaintiffs constitute an extremely serious infringement of freedom of expression and artistic creation, they can only be put in place in exceptional cases where the nature of the infringement is such that the judge dealing with the merits of the case could not effect subsequent reparation. The judge did not therefore ban the circulation of the cassettes, but he did order the deletion of the

© European Audiovisual Observatory (Council of Europe) 2026

sequences depicting the hotel and those showing the employee, and the notice "At the Hotel Crillon" on the sleeve of the video.

Tribunal de grande instance de Paris, ordonnance de référé, 5 avril 2001, SA du Louvre et SA des Hôtels du concorde c/ Dahan

Regional Court of Paris, order in an urgent matter, 5 April 2001, SA du Louvre and SA des Hôtels du Concorde v. Dahan

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026