# [FR] The Public's Right to Information Does not Override the Principles of the Protection Afforded by Copyright

**IRIS 2001-7:1/33**

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During an evening news programme, France 2 broadcast a report on an exhibition devoted to Maurice Utrillo in which it showed about a dozen of his paintings in full. The artist's beneficiary claimed that this full representation of the works, without any authorisation having been obtained or even requested, was unlawful, and asked France 2 to hand over a copy of the report in order to calculate the amount of the copyright fees he considered were due. The company refused to do this, maintaining that broadcasting the works in the context of a cultural information report could not give rise to entitlement to remuneration. The artist's beneficiary then had France 2 summoned to appear before the regional court in Paris for infringement of copyright; the court rejected the application.

The judges in the initial proceedings, basing their argument on Article 10 of the European Convention on Human Rights (hereinafter "ECHR"), decided that the viewer's right to be informed rapidly and in an appropriate manner of a cultural event that constituted an item of news immediately related to a work or its author did not constitute competition with the normal exploitation of the work. Accordingly, the judges permitted the broadcasting of the disputed report.

A considerable quantity of case law does not support this idea of predominance of the right to information over the rules for copyright, and the court of appeal did not follow the lower court's reasoning. The public's right to information, arising from the provisions of Article 10 of the ECHR, does not authorise the person exercising that right to disregard the provisions of legislation to protect the rights of others, and specifically the principles safeguarding copyright. The full reproduction and/or representation of a work, as in this case, whatever its form or duration, could not be considered to be a short quotation. France 2 could not validly claim that making the broadcasting of the report subject to the authorisation of the artist's beneficiary was tantamount to depriving the public of knowledge of the existence of the work and adversely affecting the equality of all in terms of receiving information. It was therefore ordered to pay the sum of FRF 30 000 in compensation to the artist's beneficiary.

***Cour d'appel de Paris, 4e ch., sect. A, 30 mai 2001, Fabris c/ France 2***

*Paris court of appeal, 4th chamber, A section, 30 May 2001, Fabris v. France 2*

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