[FR] Limitation Period for Press Offences on the Internet

IRIS 2002-1:1/30

Amélie Blocman
Légipresse

In two consecutive decisions, the criminal chamber of the Court of Cassation has given a firm decision on the application of the short limitation period of three months for press-related offences committed on the Internet, and more specially on the matter of determining the date on which the three-month period starts. Judges have for a long time been divided on this, as some of them hold that the act of publication on the network is in fact continuous (see IRIS 2001-1: 13). This was the view adopted by the Court of Appeal in Paris on 15 December 1999 in a case submitted to the Court of Cassation on 27 November last year. In the initial proceedings, the appellant had been the complainant whose application had been considered out of time following the posting of an article that he considered to be defamatory on the site of an on-line newspaper. According to one of the arguments put forward, "each download to read the article on the screen constitutes a new act of publication marking the start of a new limitation period". Already in a decision made on 30 January last year (see IRIS 2001-4: 11), the criminal chamber of the Court of Cassation had acknowledged implicitly the application of the three-month time-limit for on-line press-related offences and the Court of Appeal had been criticised for not having attempted to determine the date on which the offence had actually taken place. In its decisions of 16 October and 27 November last year, however, the High Court took care to set out the applicable rule clearly and in identical terms. Thus, "where slander and libel proceedings are instigated following the posting on the Internet of a message included on a site, the starting-point of the limitation period for bringing a case provided for in Article 65 of the Act of 29 July 1881 should be determined as the date of the initial posting. This date is the date on which the message is first made available to Internet users". This wording still does not answer a number of questions that could arise from the actual implementation of these principles, such as who is required to furnish proof of the first publication, and how?

Cour de cassation (crim.), 16 octobre 2001 - G. Tranchant

Court of Cassation (criminal chamber), 16 October 2001 - G. Tranchant

Cour de cassation (crim.), 27 novembre 2001 Costes

(Court of Cassation (criminal chamber), 27 November 2001 Costes

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026