# [FR] Judgement against TF1, Antenne 2 and the SNEP for Failure to Comply with Television Play-back Agreements

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Following an agreement drawn up in 1975, the Syndicat National des Artistes Musiciens (SNAM National Union of Musicians) and the Syndicat des Artistes Musiciens de la Région Parisienne (SAMUP - Union of Musicians of the Region of Paris) mandated the Syndicat National de l'Edition Phonographique (SNEPNational Union of Phonographic Publishing) to negociate general contracts with the television channels as to the use of phonograms for radio and television broadcasting. A certain number of these agreements concerned play-back (mimed playing and/or singing). A collective agreement was drawn up at a later date stating the unions' wish to put an end to the unreasonable use of play-back. According to the convention, the use of backing tapes and play-back should be discontinued after 31 December 1976.

On 20 and 21 June 1984, the SNAM and the SAMUP brought an action against TF1 and Antenne 2 for their failure to comply with the agreement, and against SNEP for their failure to acceptably fulfill their mandate. The unions accused the television companies of using play-back in certain programmes, either completely, with singers miming their performance against a commercially recorded phonogram, or partially, with the singers singing against a pre-recorded backing tape. TF1, Antenne 2 and the SNEP were ordered by the Court of Appeal (Cour d'Appel) to pay damages to the SNAM, the SAMUP and Association de défense de la musique vivante (ADMV - the Association for the Defence of Live Music). The Court of Appeal also decided that the SNEP should compensate TF1 and Antenne 2 for the damages they were ordered to pay. Antenne 2 and the SNEP both lodged an appeal in connection with the principal proceedings, while TF1 lodged an interlocutory appeal which the Court of Cassation nevertheless rejected.

***Cass. Civ. 1re chambre civile, arret N. 712 P, 11 avril 1995.***

*Civil section of the Court of Cassation, decision no. 712 P, 11 April 1995.*

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