[FR] Unfair Competition and Plagiarisation of an Antenne 2 Programme

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The Court of Cassation ordered TF1 to pay damages to Antenne 2 for the plagiarisation of its programme " La Nuit des héros ". The court ruled that TF1's programme " Les marches de la gloire " had been copied directly from Antenne 2. The Court laid down that the two television series were based on the same concept and followed similar lines that compared the values of everyday life and of sport. The two production scripts were also considered to have the same structure, with sequences of the same length, the same kind of musical backing and similar studio presentations, although the anchormen on each show stamped the programmes with their own personalities.

Moreover, the two anchormen on " Les marches de la gloire" had left Antenne 2 to join TF1, its main competitor. The Court stated that TF1 should have checked for a clause in the anchormen's contracts that prevented them from making personal use or authorising any third party to use the subject matter, the main characters, or the format of the programmes or any other similar programme and to take care not to use the same format and subject matter of those programmes produced by Antenne 2.

The Court found that this was a genuine case of unfair competition. Antenne 2 intended to legitimately prevent the plagiarisation of its programme and the unfair use of its economic value. They were not trying to prevent TF1 from producing its own "Reality Show".

Cass. com., 7 février 1995, SA Télévision française 1 TF1 c/ SA Antenne 2 et a.

Court of Cassation, Commercial section, 7 February 1995 , SA Télévision française 1 TF1 vs. SA Antenne 2 et al.

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