[FR] Film Screenplay Infringes Copyright

IRIS 2004-8:1/12

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On 4 June the Court of Appeal found Claude Zidi, co-author of the screenplay of the film "La Totale", and James Cameron, author of its American adaptation "True Lies", guilty of infringing copyright. The original proceedings had been brought on the grounds of infringement of copyright by Lucien Lambert, author of a scenario entitled "Émilie", completed in 1981, which was adapted for the theatre then translated and published in an American version, who noted a number of similarities between the screenplays of the films in question and his own scenario.

In the initial proceedings, the Court had rejected all the claims brought by the applicant on the grounds of lack of proof that his scenario pre-dated the screenplays. He then appealed against the judgment, submitting further proof to the Court which then overturned its judgment on this point and acknowledged that the scenario for "Émilie" pre-dated the screenplays and hence upheld Mr Lambert's rights. It then considered the matter of infringement of copyright; this was denied by the defendants, who claimed the scenario for "Émilie" contained no original features and pointed to substantial differences between the disputed screenplays and the scenario.

The Court held that even though the similarities noted (the heroine's credulousness, the husband's jealousy, the husband's professional collaboration with a friend who is his confidant, the husband's involvement in his work, the shadowing scene, the character's use of a telephone for spying or for passing himself off as a spy) corresponded to a sequence of events in everyday life or ancillary elements that were essential in view of the nature of the subject matter, ie espionage, the fact nevertheless remained that the creation of the character of the person passing himself off as a spy in order to seduce a woman in this case the heroine was original. In consequence, the Court held that the appellant's scenario was indeed a work that bore the stamp of its author's personality.

Furthermore, the Court noted that the character of the person who passes himself off as a spy in order to seduce the heroine and the ensuing events constituted the driving force of the plot in both cases. Their removal would result in the story losing its entire raison d'être. In the present case, there was therefore a striking and undeniable resemblance in the composition of the screenplays and the scenario, reinforced by the similarities noted. Infringement of the copyright enjoyed by the appellant's scenario by the screenplays of the defendants' films was thus established. The Court therefore appointed a legal expert specialising in

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cinematographic matters to evaluate the amount of the prejudice suffered.

Cour d'appel de Paris (4e ch., sect. B), 4 juin 2004, L. Lambert c/ C. Zidi et J. Cameron

Paris Court of Appeal (4th chamber, section B), 4 June 2004, L. Lambert v. C. Zidi and J. Cameron

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