[FR] Legal Fright at the Cannes Festival

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The idea behind the film " *Paris je t'aime* " was for twenty film producers (including Joel and Ethan Coen, Olivier Assayas, Wes Craven, Fred Auburtin and Gérard Depardieu, and Gus Van Sant) to write and produce a five-minute film illustrating the theme of a lovers' meeting in one specific area of Paris, which were then to be put together to make a full-length film; the film was selected for the opening of the " *Un certain regard* " section of the Cannes Film Festival on 18 May.

Two days before the screening, however, the presiding judge of the regional court in Paris, deliberating in an urgent matter, banned the delegated producer from having the film shown, on pain of payment of a penalty of EUR 180,000. In the end, only eighteen of the short films included in the festival were to be screened, and the breaks between the films planned at the outset have not been included. The author and originator of the film in its full-length format, who is also the main scriptwriter and screenwriter of the introductory sequences, the transitions and the epilogue, had been elbowed out of completing the film as a result of a disagreement with the delegated producer. As he had not agreed to the editing of the film in violation of the producer's contractual undertakings, and therefore in violation of his moral right to respect for the work, he had appealed to the courts under the urgent procedure, calling for the ban in order to prevent the incomplete work being shown. The presiding judge of the regional court upheld his claim, recalling that under Article L. 125-5 of the French Intellectual Property Code, "the producer may not, without the consent of the co-authors, proceed with establishing the final version of an audiovisual work and exploiting the same". The contractual undertakings entered into by the parties, which were not contested, acknowledged both the author status of the applicant and his specific prerogatives, which included establishment of the final version of the film. The court took note that the editing resulting in the film which it was intended to screen included only eighteen short films, without the twenty-one sequences originally intended to ensure the unity and character of the full-length film; this constituted a distortion of the original project and a violation of the contractual undertakings entered into by the delegated producer. The court found the requested ban in proportion to the infringement and delivered its judgment accordingly, including a mediation requirement with a view to establishing a version of the film with which both parties could agree. After a long period of suspense and the threat of intervention by a bailiff, the film was finally shown at Cannes without a hitch. Apparently the author had withdrawn his legal action and

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at the last minute signed an agreement with the co-producer, according to which he accepted the disputed version as being final. The film should be in French cinemas from 21 June.

TGI Paris (ordonnance de référé), 16 mai 2006, E. Benbihi c/ SA Victoires International

Regional court in Paris (order in an urgent matter), 16 May 2006, E. Benbihi v. S.A. Victoires International

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