[FR] Persistence Pays Off for Comedian Bringing Cases against Video Share Sites

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In recent months a French comedian has brought a number of cases against video share sites showing extracts of his DVDs. The cases were always rejected, but he continued his crusade and his perseverance has finally paid off - two recent decisions leave a glimmer of hope of effective recourse for beneficiaries against platforms of this type. Based not on counterfeiting but on the reactivity of hosts, which was made an obligation by the Act of 21 June 2004 on confidence in the digital economy, the decision in the case of Lafesse v YouTube delivered on 14 November 2008 concluded that the platform was liable as it had not been prompt in withdrawing content being broadcast unlawfully on its site after it had been alerted by the comedian a number of times, and ordered it to pay him 60,000 euros in damages. Thus the share site was acknowledged as a host and not an editor, with correspondingly less liability. On the same day, however, the regional court in Paris reminded YouTube - although without finding against it in this case - that as a host it had an obligation to collect data on Internet users editing content on its site. Five days later, deliberating under the urgent procedure, it found against Dailymotion on this basis, in favour of Jean-Yves Lafesse.

TGI de Paris (3è ch. 2è sect.), 14 novembre 2008, J.-Y. L. dit Lafesse et a. c. Youtube et a.

http://www.juriscom.net/documents/tgiparis20081114_Youtube_Lafesse.pdf

Regional court of Paris (2nd section of 3rd chamber), 14 November 2008: J.-Y. L., known as Lafesse, et al. v YouTube et al.

TGI de Paris (ord. réf), 19 novembre 2008, J.-Y. L. dit Lafesse et a. c. Dailymotion

http://www.legalis.net/jurisprudence-decision.php3?id_article=2496

Regional court of Paris (urgent procedure), 19 November 2008: J.-Y. L., known as Lafesse, et al. v Dailymotion

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