[FR] “Marius” and “Cosette” Declared Lawful Sequels to Victor Hugo’s “Les Misérables”

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In France, authors enjoy the right to respect for their name, their status and their work. This right is perpetual, inalienable and not subject to limitation. It is transmitted to his successors on the death of the author (Art. L. 121-1 of the Intellectual Property Code). It is on the basis of infringement of the moral right of his predecessor that Victor Hugo’s heir lost his appeal against the author and editor of two sequels to *Les Misérables* . He claimed that these novels spoiled the famous writer’s work - the social context in which their action takes place is substantially different from that of the original work and a number of narrative elements, which in any case were not on a par with the quality of Hugo’s writing, were destabilising because of their incongruity in relation to the original story. An example of this is the return of Inspector Javert in Ceresa’s sequels - the character appears to commit suicide in the original book, but is brought back to life in these sequels.

In the end the court of appeal, to which the heir, together with the association “Société des Gens de Lettres”, had applied, found in favour of the writer. It studied the disputed elements at length in order to determine whether they were contrary to the “spirit” of Hugo’s work, and in the end decided that they were not - Ceresa was therefore not guilty of infringing the moral right attached to *Les Misérables* . The court held that Victor Hugo had not made any statement precluding a possible sequel to *Les Misérables* , that as the action in the sequels took place at a period of time after that of *Les Misérables* their social context was necessarily different, and lastly that since Javert was not the central character of the work his fate - while it was certainly surprising - was not sufficiently important to spoil Victor Hugo’s work.

Cour d’appel de Paris, (4e ch. sect. B), 19 décembre 2008, Association SGDL et P. Hugo c. Editions Plon et F. Ceresa

Court of appeal of Paris, (4 th chamber, section B), 19 December 2008, Association SGDL and P. Hugo v Editions Plon and F. Ceresa

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