[FR] Court Finds against Documentary Film

IRIS 2012-3:1/20

Amélie Blocman
Légipresse

On 26 January the regional court in Lille delivered its judgment in the high-profile case of the documentary entitled *Le Mur*, which denounces the treatment of autism by psychoanalysis. Three psychoanalysts had given their authorisation for their images and voices to be used after they were filmed and interviewed for the production of a three-part documentary film. They complained that their interviews had been edited and used in a distorted form in order to make a biased 52-minute film that was eventually called *Le Mur* and subtitled *La psychanalyse à l'épreuve de l'autisme* and made available on the Internet site of an association of parents of people suffering from autism. The psychoanalysts held that their moral right as co-authors of the film had been violated, that the right to use their images and voices had been infringed, and that their professional reputation had suffered as a result; they therefore had the director and her producer summoned to appear in court, claiming compensation for these three points, a ban on showing and distributing the disputed film, and publication of the court's decision.

The court began by recalling that to be able to claim the capacity of co-author, with a view to obtaining compensation for the violation of their moral right, the applicants had to produce proof that they had made a specific contribution of intellectual creation to the concept or filming of the documentary. In her capacity as director and in application of the provisions of Article L. 113-7 of the Intellectual Property Code, the director was the author of the documentary film at issue. Furthermore, it was not contested that the disputed interviews had not been prepared jointly by the director and the applicant parties, and that the questions had not been communicated in advance to the interviewees, who had answered them spontaneously. Nor had the interviewees had any power to intervene in the intellectual conception of the work, its editing, or the choices to be made in selecting the extracts to be used, such that they were not entitled to claim any right of episodes of withdrawal or remorse that would imply that the final document ought to have been submitted to them first, before being shown. As a result, the applicants could not be acknowledged as being co-authors of the film and their claims that their moral rights had been violated were rejected. Regarding the effect on their reputation, the court stated that the director's rights, in her capacity as author, to create an original work by imprinting her personal hallmark on the composition and style of the film was limited by the obligation incumbent on her to refrain from any distortion of what the interviewees said. In examining whether this was the case or not, by comparing the finished film with the rushes, the court noted that the director had not

© European Audiovisual Observatory (Council of Europe) 2026

respected the meaning of what the psychoanalysts had said and concluded that she had deliberately distorted what the applicants had said, making it appear that they were convinced that parents played a negative role in the causes of autism, refuting current scientific knowledge, thereby damaging their image and their reputation, since their positions on these subjects were considerably less hard-line. The court added that the film dealt with a subject that appeared to be of general interest and contributed to the public's right to information, which meant that a truncated and distorted presentation of the applicant parties' statements was inappropriate. The complainants were awarded 7,000 and 5,000 euros respectively. The court also ordered the withdrawal of all the extracts of their interviews, and publication of its judgment in three periodicals. The director has announced that she intends to appeal.

TGI de Lille (ch. 01), 26 janvier 2012 - E. Solano-Suarez, E. Laurent et A. Stevens c. SARL Océan Invisible Production, S. Robert et Association autistes sans frontières

http://www.autisme-france.fr/offres/file_inline_src/577/577_A_12239_2.pdf

Regional court of Lille (1st chamber), 26 January 2012 - E. Solano-Suarez, E. Laurent and A. Stevens v. SARL Océan Invisible Production, S. Robert and the association Autistes Sans Frontières

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026