[FR] Participants in Temptation Island are not “Performers”

IRIS 2013-6:1/16

Amélie Blocman
Légipresse

On 24 April the Court of Cassation delivered a notable decision. It was the first time the Court had deliberated on whether participants in a reality TV programme (in this case Temptation Island) could claim recognition as performers. 53 former participants in the programme were claiming just this, together with the payment of the corresponding social contributions. The court of appeal had turned down their claims, so they took their case to the Court of Cassation. Article L. 212-1 of the Intellectual Property Code states that protection as a performer is afforded to any person who “represents, sings, recites, declaims, plays or performs in any other way an intellectual work, on the sole condition that the interpretation is of a personal nature”.

The participants in the programme claimed that there was nothing to prevent the artistic interpretation consisting of a more or less free improvisation guided by a film crew following a narrative outline and an imposed basic screenplay. The Court of Cassation nevertheless found that it was not contradictory that the court of appeal had noted that they had no role to play or text to speak, that they were merely asked to be themselves in and express their reactions to the situations confronting them, and that the artificial nature of the situations and their sequence did not suffice to give them the quality of actors. Having thus shown that their work had not involved any interpretation, the court of appeal had been right in deciding that they could not be acknowledged as performers.

The applicants had also claimed the requalification of the “rules for participants” between them and the production company as an employment contract, and called for the production company to be ordered to pay various amounts in back pay and damages. As it had already done in previous cases, the Court of Cassation confirmed that the participants were bound to the production company by an employment contract. In the present case, this featured the existence of work carried out in subordination to TF1 production company for the purpose of producing a television series. This work consisted of the participants taking part, for a period of time and in a place totally separate from normal events in their personal lives, in imposed activities and expressing their anticipated reactions, which differentiates this from a mere recording of their everyday lives. The decision marks the final stage in a long series of disputes on these two points of law.

© European Audiovisual Observatory (Council of Europe) 2026

Cour de cassation (1re ch. civ.), 24 avril 2013 - Erwan X. et a. c. TF1 Production et a.

http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000027366470&fastReqId=1919523756&fastPos=1

Court of Cassation (1st civil chamber), 24 April 2013 - Erwan X. and others v. TF1 Production and others

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026