[FR] Conditions for protecting a plan for a television programme

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An author who had unsuccessfully put forward an idea for a programme lodged with the SACD (French society of dramatic authors and composers) under the title Pour ou contre ("For or against") on TF1 complained that the presenter Christophe Dechavanne had used elements of his plan in his broadcast Comme un lundi ("Like a Monday"), thereby rendering himself guilty of parasiting him. The Court recalled that acknowledgement of wrongful parasiting within the meaning of Article 1382 of the Civil Code supposed the prior demonstration of the existence of a substance capable of being absorbed, in the form of an effort of intellectual creation or an economic investment. The plan for the television broadcast, of which each constituent feature was already known or exploited before being lodged with the SACD, was not original and did not bear the mark of intellectual investment such as to take the form of an actual substance likely to be lifted in an identifiable manner. The case was therefore unfounded and improper.

Tribunal de grande instance de Nanterre (1re ch., sect. A), 4 décembre 1996 - D.-A. Lotan c/ Société Coyote Conseil.

Regional Court of Nanterre (1st chamber, section A), 4 December 1996 - Case of D.-A. Lotan v. Société Coyote Conseil.

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