[FR] Reproduction of musical works protected by copyright by digitalisation and on-line publication on Internet without authorisation

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Laurence Giudicelli
Barrister, Paris Court of Appeal

Musical works with words and often music by Jacques Brel have been digitalised and put on-line on Internet on the initiative of students at the École Nationale Supérieure des Télécommunications and the École Centrale de Paris on the web-pages on the student server at their colleges. On the basis of official reports by sworn agents of the Association pour la Protection des Programmes , the companies Éditions Musicales Pouchenel , Warner Chappell France and MCA Caravelle , which affirm that they hold the rights of reproduction and representation of these works, called on the courts to take note that such broadcasting constituted infringement of copyright and manifestly unlawful interference. Moreover, the defendants had not complied with the requirement under Article 43 of the Act of 30 September 1986 that audio-visual communication services be declared in advance.

In an order dated 14 August 1996, the Regional Court of Paris decided that they had thus reproduced and promoted the collective use of these works, as third parties connected to Internet could visit their private sites and copy them. However, it was not demonstrated that they had done so with the intention of causing damage to the plaintiffs or of making any profit from it. The Court noted that the unlawful interference had ceased as the colleges had decided to make the students' sites inaccessible.

Ordonnance de référé du Tribunal de grande instance de Paris en date du 14 aout 1996, Société Editions musicales Pouchenel et autres contre Ecole centrale de Paris et autres.

Provisional order in an urgent matter by the Regional Court of Paris dated 14 August 1996, Société Éditions Musicales Pouchenel et al. v École Centrale de Paris et al.

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