[FR] Conseil d'Etat Authorises Commercial Break During the Broadcasting of "Gone with the Wind"

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Television gets through a vast quantity of cinematographic films. It waits impatiently for the cinema screen projection period to run out to show them on the television screen. The possibility of commercial breaks then becomes an essential aspect of the televised broadcasting of cinematographic works. The subject is closely governed by regulation - firstly by the Intellectual Property Code, which protects non-pecuniary copyright very closely, and secondly by audio-visual legislation, which distinguishes between the types of television channel. Private, unencrypted channels may insert one commercial break only. Channels for which a charge is made (e.g. Canal Plus) and the public channels may not make any such break at all. How does this rule apply to the famous film "Gone with the Wind" broadcast on 14 February 1994 by the public channel France 3? The Conseil d'État held that the film had been devised originally as a work of fiction comprising two separate parts, corresponding to two periods in time and separated by a break which, when shown in a cinema, takes the form of an interval. Broadcasting advertising material between the two parts of the film on France 3 was therefore authorised.

Conseil d'État, 28 février 1997, SA Télévision Française 1

Decision of the Conseil d'Etat of 28 February 1997, SA Télévision Française 1

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