[DK] High Court Decision on the Scanning of a Cinemascope-film for the Purpose of Television Broadcasting

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The Danish High Court decided that the broadcasting of a cinemascope film that had been put on video tape (pan-scanned), was an infringement of the moral rights of the director of the film, since he had not waived his rights by contract.

The American film director, Sydney Pollack, sued public broadcaster DR (Danmarks Radio) for showing a pan-scanned version of Pollacks "Three Days of the Condor". The film was originally produced in the cinemascope format with an aspect ratio of 2.35:1, but the scanning reduced the film format to a TV format of 1.33:1. Pollack claimed, on the basis of Sec. 3(2) of the Danish Copyright Act, that his moral rights had been violated as more than half of the picture was cut away, which aleegedly altered his artistic expression and destroyed the picture composition and rythm of the film.

The court decided that the picture composition of the film was indeed mutilated but at the same time it denied Pollack's claim for damages and compensation, as it was clear from Pollacks contract, that the producer was entitled to make adaptations for for television by means of cutting and editing.

According to the Danish Copyright Act Sec. 3(3) moral rights cannot be waived except in respect of a use of the work which is limited in nature and extent.

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High Court Decision of 4 April 1997, 14th Chamber N° B-0192-92

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