

[FR] Civil actions relating to literary and artistic property: clarification of regional courts' exclusive jurisdiction

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On 28 June 2018, the Court of Cassation issued a judgment explaining in detail the exclusive jurisdiction assigned by the Code de la propriété intellectuelle (Intellectual Property Code - the CPI) to the regional courts in relation to literary and artistic property. It referred to Article L. 331-1, paragraph 1 of the CPI, which states that "civil actions and requests concerning literary and artistic property, including those relating to unfair competition, fall under the exclusive jurisdiction of the regional courts, as determined by regulations".

In the case at hand, a production company accused the company that had granted it the right to produce the television programme "Tout le monde en parle" of breaching its contractual obligations. It therefore referred the matter to the Paris Commercial Court in order to obtain access to financial records and the payment of half the income generated through the exploitation of the programme format abroad. The accused company submitted that jurisdiction was held by the Paris Regional Court rather than the Commercial Court. The Commercial Court held that the dispute did not fall under its jurisdiction. The production company lodged an appeal against the appeal court's decision dismissing its objection to the judgment.

The Court of Cassation, referring to Article L. 331-1, paragraph 1 of the CPI, concluded that actions instigated on the basis of general contractual liability fell under the jurisdiction of the regional courts "when, in order to determine the obligations of each of the contracting parties and the infringements they may have committed, the court concerned is required to rule on matters involving the specific provisions of literary and artistic property law".

In the case at hand, the appeal court noted that, while the plaintiff was claiming that the co-ownership of the rights relating to the format of the disputed programme was not in question and was only asking the court to confirm its joint ownership of those rights, the defendant was arguing, on the contrary, that it was the sole owner of the exploitation rights for the programme format and title. Therefore, before ruling on the applications, the court needed to decide who owned the rights that were being claimed by the plaintiff. The Court of Cassation ruled that the appeal court had correctly decided that the dispute fell under the exclusive jurisdiction of the Paris Regional Court.

Cour de cassation (1re ch. civ.), 28 juin 2018 - Tout sur l'écran production c/ Ardis

Court of Cassation (1st civil chamber), 28 June 2018 - Tout Sur l'Ecran Productions v Ardis

