# [FR] Image rights and permission to use an interview filmed for a documentary

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On 11 January 2019, the urgent applications judge of the Paris regional court issued a decision that demonstrates the difficulties that can arise when someone gives written permission to be interviewed for a film. In the case in question, a psychoanalyst had given an interview, parts of which were used in a film entitled “Le Mur” on the subject of developmental disorders (psychosis and autism). The film’s producer then embarked on a second film, entitled “Le Phallus et le Néant”, which included further excerpts from the interview and was due to be broadcast in January 2019. The interviewee considered that the distribution of the poster, trailer and the film itself infringed her image rights, since she had not given permission for any further exploitation of the interview. She therefore lodged an application for the initiation of urgent proceedings against the production company and producer of the film in order to stop the trailer being shown on any media unless the parts containing her voice and image were removed.

In his decision, the judge, having read the document in which the psychoanalyst gave permission for her image and voice to be used, noted that, contrary to the latter’s claims, she had not only agreed to be interviewed, but had given express written permission that covered not only “Le Mur”, but also exploitation “in ... several episodes” and for any “work adapted or derived from the principal work”. Regarding the image contained in the poster, the judge noted that the defendants were right to observe that the express permission that had been given included the option to use all or part of her image on any media “free of charge”. In the judge’s opinion, the plaintiff had therefore clearly given permission for the company that produced the film “Le Mur” to use the interview in more than one episode and in any adapted work. He therefore dismissed the application and ruled that there was no need for interim measures.

***TGI de Paris (ord. réf.), 11 janvier 2019, Jacqueline S. c/ SARL Océan Invisible Productions et a.***

*Paris regional court (interim order), 11 January 2019, Jacqueline S. v SARL Océan Invisible Productions et al.*

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