[FR] Unauthorised Reproduction of a Work by Raymond Queneau on the Internet

IRIS 1997-10:1/1

Laurence Giudicelli
Barrister, Paris Court of Appeal

The summary order injunction, delivered by the Tribunal de Grande Instance of Paris (Paris District Court) on 5 May 1997 confirmed that unauthorised digitisation is illegal and constitutes an infringement of rights. However, digitalisation of this kind may escape being penalised under infringement laws when it is done for strictly personal use in the conditions laid out in article L-122-5-2 of the Intellectual Property Code or when it comes under the exceptional provision called "short quotes". In this particular case, the court noted that the original work of Raymond Queneau had been digitilised and put on line without the permission of Jean-Marie Queneau, the sole holder of the estate and moral rights for the work of his father and without the authorisation of Editions Gallimard (the publishers Gallimard) the assignees of the exhibition and publishing rights. In order to protect his rights as well as Gallimard's, Jean-Marie Queneau appealed to the Agence pour la Protection des Programmes (APP). The defendant claimed that the digitalisation was legal as much as it came under the exceptional provision of "private copy". The Court ruled, however, that as third parties connected up to the internet could visit his private pages and might therefore copy them, he had encouraged the collective use of the text he had digitised. The defendant had also claimed his actions were legal under the "short quote" article. The Court ruled that the defendant's method, which consisted of dividing the digitised work up into a succession of poems, did not constitute "short quotes". Visitors to his home pages could actually only read one poem at a time from Raymond Queneau's work cent mille milliards de poèmes" ("a hundred thousand billion poems"). "

Tribunal de Grande Instance de Paris, Ordonnance de référé, 5 mai 1997, Queneau c/ Leroy et a.

Regional Court of Paris, Summary order injunction, 5 May 1997, Queneau vs. Leroy et al.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026