

## The infringement claim against 'The Artist' dismissed by the Paris Court of Appeal

[AUDIOVISUAL]

*Court of appeal of Paris, Pole 5 Chamber 1, 24 October 2017*

A French individual, who wrote a screenplay for a silent, black & white, feature film entitled 'Timidity, la symphonie du petit homme', claimed that the Oscar-winning feature film 'The Artist' copied the key sequences of his screenplay, thus infringing his author rights.

The Court of appeal of Paris however decided that, besides the idea of creating a silent film in black & white, the two works do not share any common and protectable characteristics. The judges notably noted that the main character of the 'Timidity' project is described as overly shy, whereas it surely is not the case of Georges Valentin in 'The Artist', who is a star of cinema and totally extrovert. The Court thus ruled that no infringement had been committed.

However, in the frame of their defense, the producers of 'The Artist' counterclaimed that the proceedings introduced against them were abusive, and asked the Court to be indemnified for the prejudice they suffered from.

On that basis, the Court of appeal first noted that the claimant had exceeded his freedom of speech by making several public statements in the media (both written, online, and on TV), in France and abroad, about the introduction of the proceedings against the producers of 'The Artist'.

The Court further underlined that the claimant had made disparaging comments against the director and the producers of 'The Artist', to whom he notably attributed committing dishonest acts in order to hide the alleged infringement, when he was seriously distorting the reality.

It was thus considered that, by doing so, he damaged their reputation and introduced the proceedings in an abusive manner.

The claimant was sentenced to pay 19 000 euros of damages to the producers of 'The Artist', as well as 19 000 euros to the director and the producers of the film for the fees they incurred because of the actions.

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