

## VIPs but not original

*Court of Appeals, Paris, 5 December 2007*

Are the stolen photos of prince William of England and his girlfriend works of art ? The Court of Appeals', Paris, 4th chamber, December 5, 2007 response was negative, holding that they were devoid of any originality. For starters, they have no rights under copyright laws, and their reproduction without the authorization of the backing press agent cannot give rise to an infringement cause of action.

The appellate judges stated that under article L 112-2 of the Intellectual Property Code every work of the mind, in order to be protected, must satisfy, in addition to the element of form, the element of originality, in other words bearing the author's mark. In this case, the court determined that this was not the case for rapid-fire shots taken by the paparazzi while hiding in the path of the two celebrities' ski lift, without any thought to scene or setup, was not orchestrated by them. The photos "are devoid of originality as only reproducing a greatly ordinary scene without showing any sensibility or competence of the photographers." Not for Henri Cartier-Bresson wanting, the subject does not necessarily an artist make...

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