



Request for a preliminary ruling from the Tribunal judiciaire de Paris (France) lodged on 5 March 2024 – RB and Others, as successors in title to Claude Chabrol, RZ and Others, as successors in title to Paul Gégauff v Brinter Company Ltd., Artedis SA, BS, MW, Société des auteurs et compositeurs dramatiques (SACD), Société des auteurs, compositeurs et éditeurs de musique (SACEM) and Others

(Case C-182/24, SACD and Others)

(C/2024/3892)

Language of the case: French

Referring court

Tribunal judiciaire de Paris

Parties to the main proceedings

Applicants: RB and Others, as successors in title to Claude Chabrol, RZ and Others, as successors in title to Paul Gégauff

Defendants: Brinter Company Ltd., Artedis SA, BS, MW, Société des auteurs et compositeurs dramatiques (SACD), Société des auteurs compositeurs et éditeurs de musique (SACEM) and Others

Questions referred

1. Can Articles 2, 3, 4 and 8 of Directive 2001/29/EC of 22 May 2001, Articles 1 to 3 of Directive 2004/48/EC of 29 April 2004, ⁽¹⁾ and Articles 1, 2 and 9 of Directive 2006/116/EC of 12 December 2006, ⁽²⁾ in so far as they guarantee to the author and co-author of a cinematographic or audiovisual work both the exclusive right to authorise or prohibit the reproduction of their works and the right of their communication to the public and a term of protection ending 70 years after the death of the last survivor amongst the collaborators of the work, at the same time as they require the Member States to provide for effective, proportionate and dissuasive sanctions and remedies which are appropriate in respect of copyright infringements, as well as for measures, procedures and remedies which are not unnecessarily complicated or costly, or which do not entail unreasonable time limits or give rise to unwarranted delays, be interpreted as meaning that an action for infringement of the copyright of a work of joint authorship, by its holder, requires, in order for it to be admissible, that all of the co-authors be joined to the proceedings?
2. Must the copyright holder's right to an effective judicial remedy and access to a court, a component of the right to a fair trial, as guaranteed, together, by Articles 2, 3, 4 and 8 of Directive 2001/29/EC of 22 May 2001, ⁽³⁾ Articles 1 to 3 of Directive 2004/48/EC of 29 April 2004, Articles 1, 2 and 9 of Directive 2006/116/EC of 12 December 2006, Directive 2006/115 of 12 December 2006 ⁽⁴⁾ and Articles 17 and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the admissibility of an action for infringement of copyright is, or is not, conditional on all of the co-authors of the work being joined to the proceedings?

⁽¹⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ 2004 L 157, p. 45, and corrigenda OJ 2004 L 195, p. 16 and OJ 2007 L 204, p. 27).

⁽²⁾ Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (codified version) (OJ 2006 L 372, p. 12).

⁽³⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

⁽⁴⁾ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version) (OJ 2006 L 376, p. 28).