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Judgment of the Court in Case C-182/24 | SACD and Others

The rules on the admissibility of an action for infringement of the copyright in a collective work must ensure that the right to effective judicial protection is observed, by not making the procedure provided for unnecessarily complicated or costly

National law must comply with the requirements of effectiveness and equivalence of EU law, avoiding formalities which make it impossible to call on all of the co-holders of the copyright to participate in the proceedings and which restrict effective access to judicial redress

Between 1967 and 1974, Claude Chabrol produced fourteen films, five of which he made in collaboration with the screenwriter Paul Gégauff. In 1990, the exploitation rights to several of those films were assigned for a period of 30 years to the company Brinter, which, in 2012, in turn transferred to Panoceanic Films SA the exploitation rights for the five films in which Paul Gégauff collaborated as an author.

After the death of the two authors, their successors in title brought an action relating to the conduct and scope of the assignment of those rights, in particular with regard to the conditions for the exploitation of the works. They allege breaches of contract and infringement of copyright. The companies against which that legal action was brought contend, for their part, that that action requires the participation of all of the co-authors or their successors in title. It is apparent that it has not been possible to bring together all of the co-authors of the films concerned and their successors in title, owing to circumstances relating in particular to the age of the works and the situation of some of the co-authors.

In that context, the tribunal judiciaire de Paris (Court of Paris, France) referred questions to the Court of Justice regarding the compatibility with EU law of a national procedural rule requiring that all of the co-authors of a cinematographic work be called on to participate in the proceedings in order for such an action to be admissible.

In its judgment, the Court rules that EU law **does not preclude** a national rule which makes the admissibility of the action conditional on all of the co-holders of the copyright being called on to participate in the proceedings, **provided that** the procedure remains **reasonable** and **does not undermine the principles of effectiveness and equivalence**. If the national court finds that the requirement in question makes access to justice impossible or excessively difficult, it must ensure the full effectiveness of the right to an effective remedy and, where necessary, disapply the conflicting national provisions.

The Court first recalls that the Charter of Fundamental Rights of the European Union ('the Charter') guarantees the right to property and the right to an effective remedy: any national rule which **de facto deprives** a person of that right constitutes a **breach** of the principle of effectiveness.

It adds, in that regard, that it is for the national court to examine, in the light of the requirements of the Charter, whether the French procedural rule requiring that all of the co-authors be called on to participate in the proceedings does not result in an **unnecessarily complicated or costly** procedure. Procedural requirements that are impossible or very difficult

to meet have the effect of **neutralising** the right to claim copyright protection, which runs counter to the principle of effectiveness.

Last, the Court recalls that the Charter protects intellectual property and that the requirement to call on each co-holder of the copyright to participate in the proceedings must be compatible with that fundamental right.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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