Reports of Cases

JUDGMENT OF THE COURT (First Chamber)

18 December 2025*

(Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Articles 2 to 4 and 8 – Directive 2004/48/EC – Articles 1 to 3 – Directive 2006/115/EC – Directive 2006/116/EC – Articles 1, 2 and 9 – Articles 17 and 47 of the Charter of Fundamental Rights of the European Union – Remedies – Right to an effective remedy – National legislation under which the admissibility of an action for infringement brought by one of the joint holders of the copyright in a cinematographic work is conditional on all the joint holders of that copyright being called on to participate in the proceedings)

In Case C-182/24,

REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal judiciaire de Paris (Court of Paris, France), made by decision of 8 February 2024, received at the Court on 5 March 2024, in the proceedings

RB, as successor in title to Claude Chabrol,

AD, represented by his guardian, NM, as successor in title to Claude Chabrol,

DR, as successor in title to Claude Chabrol,

ZB, as successor in title to Claude Chabrol,

VQ, as successor in title to Claude Chabrol,

RZ, as successor in title to Paul Gégauff,

DQ, as successor in title to Paul Gégauff,

FI, as successor in title to Paul Gégauff,

LF, as successor in title to Paul Gégauff

v

Société des auteurs et compositeurs dramatiques (SACD),

Radio Days SARL,

* Language of case: French:

Brinter Company Ltd,

BS,

MW,

Artedis SA,

Panoceanic Films SA,

intervening parties:

Société des auteurs, compositeurs et éditeurs de musique (SACEM),

HU, as successor in title to Pierre Jansen,

YG, as successor in title to Ellery Queen,

VH, as successor in title to Ellery Queen,

IA,

ID, as successor in title to Jean Patrick Manchette,

Daniel Boulanger estate, as successor in title to Daniel Boulanger,

HK, as successor in title to Claude Brulé,

QY, as successor in title to Claude Brulé,

WY, as successor in title to Claude Brulé,

KE, as successor in title to Claude Brulé,

NA, as successor in title to Claude Brulé,

IY, as successor in title to Claude Brulé,

Nicholas Blake estate, as successor in title to Nicholas Blake,

Edward Atiyah estate, as successor in title to Edward Atiyah,

Ellery Queen estate, as successor in title to Ellery Queen,

Richard Neely estate, as successor in title to Richard Neely,

Patricia Highsmith estate,

Charlotte Armstrong estate, as successor in title to Charlotte Armstrong,

WI, as successor in title to Claude Rank,

QT, as successor in title to Hubert Monteilhet,

THE COURT (First Chamber),

composed of F. Biltgen, President of the Chamber, T. von Danwitz, Vice-President of the Court, acting as Judge of the First Chamber, I. Ziemele (Rapporteur), A. Kumin and S. Gervasoni, Judges,

Advocate General: M. Campos Sánchez-Bordona,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

– RB, as successor in title to Claude Chabrol, by J. Aittouares, avocat,

– AD, represented by his guardian, NM, as successor in title to Claude Chabrol, DR, ZB and VQ, as successors in title to Claude Chabrol, RZ, DQ, FI and LF, as successors in title to Paul Gégauff, by L. Klein, avocat,

– Radio Days SARL, Brinter Company Ltd, BS, MW, Artedis SA and Panoceanic Films SA, by P. Spinosi, avocat,

– the French Government, by B. Fodda and E. Timmermans, acting as Agents,

– the Austrian Government, by A. Posch, J. Schmoll and G. Kunnert, acting as Agents,

– the European Commission, by C. Auvret and J. Samnadda, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 10 April 2025,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Articles 2 to 4 and 8 of 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), of Articles 1 to 3 of 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 corrigendum OJ 2004 L 195, p. 16), of 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 (OJ 2006 L 376, p. 28), of Articles 1, 2 and 9 of 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 (OJ 2006 L 372, p. 12), and of Articles 17 and 47 of the Charter of Fundamental Rights of the European Union ('the Charter').

2 The request has been made in proceedings between nine natural persons, as successors in title to Mr Claude Chabrol, a film director who died in 2010, and of Mr Paul Gégauff, a screenplay and dialogue writer who died in 1983, on the one hand, and the Société des auteurs et compositeurs dramatiques (SACD), Radio Days SARL, Brinter Company Ltd ('Brinter'), BS, MW, Artedis SA and Panoceanic Films SA, on the other, concerning the exploitation of 14 films made by Mr Chabrol, on 5 of which Mr Gégauff collaborated as a dialogue writer.

Legal context

European Union law

Directive 2001/29

3 Recital 4 of Directive 2001/29 states:

'A harmonised legal framework on copyright and related rights, through increased legal certainty and while providing for a high level of protection of intellectual property, will foster substantial investment in creativity and innovation, including network infrastructure, and lead in turn to growth and increased competitiveness of European industry, both in the area of content provision and information technology and more generally across a wide range of industrial and cultural sectors. This will safeguard employment and encourage new job creation.'

4 According to Article 2 of that directive, entitled 'Reproduction right':

'Member States shall provide for the exclusive right to authorise or prohibit direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part:

(a) for authors, of their works;

(b) for performers, of fixations of their performances;

(c) for phonogram producers, of their phonograms;

(d) for the producers of the first fixations of films, in respect of the original and copies of their films;

(e) for broadcasting organisations, of fixations of their broadcasts, whether those broadcasts are transmitted by wire or over the air, including by cable or satellite.'

5 Article 3 of that directive, entitled 'Right of communication to the public of works and right of making available to the public other subject matter', provides:

'1. Member States shall provide authors with the exclusive right to authorise or prohibit any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them.

2. Member States shall provide for the exclusive right to authorise or prohibit the making available to the public, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them:

(a) for performers, of fixations of their performances;

(b) for phonogram producers, of their phonograms;

(c) for the producers of the first fixations of films, of the original and copies of their films;

(d) for broadcasting organisations, of fixations of their broadcasts, whether these broadcasts are transmitted by wire or over the air, including by cable or satellite.

3. The rights referred to in paragraphs 1 and 2 shall not be exhausted by any act of communication to the public or making available to the public as set out in this Article.'

6 Article 4 of that directive, entitled 'Distribution right', provides:

'1. Member States shall provide for authors, in respect of the original of their works or of copies thereof, the exclusive right to authorise or prohibit any form of distribution to the public by sale or otherwise.

2. The distribution right shall not be exhausted within the Community in respect of the original or copies of the work, except where the first sale or other transfer of ownership in the Community of that object is made by the rightholder or with his consent.'

7 Article 8 of Directive 2001/29, entitled 'Sanctions and remedies', states:

'1. Member States shall provide appropriate sanctions and remedies in respect of infringements of the rights and obligations set out in this Directive and shall take all the measures necessary to ensure that those sanctions and remedies are applied. The sanctions thus provided for shall be effective, proportionate and dissuasive.

2. Each Member State shall take the measures necessary to ensure that rightholders whose interests are affected by an infringing activity carried out on its territory can bring an action for damages and/or apply for an injunction and, where appropriate, for the seizure of infringing material as well as of devices, products or components referred to in Article 6(2).

3. Member States shall ensure that rightholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right.'

Directive 2004/48

8 Recitals 10 and 13 of Directive 2004/48 state:

'(10) The objective of this Directive is to approximate [the legislation of the Member States relating to the substantive law on intellectual property] so as to ensure a high, equivalent and homogeneous level of protection in the Internal Market.

…

(13) It is necessary to define the scope of this Directive as widely as possible in order to encompass all the intellectual property rights covered by Community provisions in this field and/or by the national law of the Member State concerned. Nevertheless, that requirement does not affect the possibility, on the part of those Member States which so wish, to extend, for internal purposes, the provisions of this Directive to include acts involving unfair competition, including parasitic copies, or similar activities.'

9 Article 1 of that directive, entitled 'Subject matter', provides:

'This Directive concerns the measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights. For the purposes of this Directive, the term "intellectual property rights" includes industrial property rights.'

10 Article 2 of that directive, entitled 'Scope', provides:

'1. Without prejudice to the means which are or may be provided for in Community or national legislation, in so far as those means may be more favourable for rightholders, the measures, procedures and remedies provided for by this Directive shall apply, in accordance with Article 3, to any infringement of intellectual property rights as provided for by Community law and/or by the national law of the Member State concerned.

2. This Directive shall be without prejudice to the specific provisions on the enforcement of rights and on exceptions contained in Community legislation concerning copyright and rights related to copyright, notably those found in [Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs (OJ 1991 L 122, p. 42)], and, in particular, Article 7 thereof or in [Directive 2001/29] and, in particular, Articles 2 to 6 and Article 8 thereof.

3. This Directive shall not affect:

(a) the Community provisions governing the substantive law on intellectual property, Directive 95/46/EC [of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31)], Directive 1999/93/EC [of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ 2000 L 13, p. 12)] or Directive 2000/31/EC [of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ 2000 L 178, p. 1)], in general, and Articles 12 to 15 of Directive 2000/31/EC in particular;

(b) Member States' international obligations and notably the [Agreement on Trade-Related Aspects of Intellectual Property Rights, set out in Annex 1C to the Agreement Establishing the World Trade Organization (WTO), signed in Marrakesh on 15 April 1994 and approved by Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ 1994 L 336, p. 1)], including those relating to criminal procedures and penalties;

(c) any national provisions in Member States relating to criminal procedures or penalties in respect of infringement of intellectual property rights.'

11 According to Article 3 of that directive, entitled 'General obligation':

'1. Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the intellectual property rights covered by this Directive. Those measures, procedures and remedies shall be fair and equitable and shall not be unnecessarily complicated or costly, or entail unreasonable time limits or unwarranted delays.

2. Those measures, procedures and remedies shall also be effective, proportionate and dissuasive and shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.'

12 Article 4 of Directive 2004/48, entitled 'Persons entitled to apply for the application of the measures, procedures and remedies', provides:

'Member States shall recognise as persons entitled to seek application of the measures, procedures and remedies referred to in this Chapter:

(a) the holders of intellectual property rights, in accordance with the provisions of the applicable law[;]

(b) all other persons authorised to use those rights, in particular licensees, in so far as permitted by and in accordance with the provisions of the applicable law[;]

(c) intellectual property collective rights management bodies which are regularly recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of the applicable law[;]

(d) professional defence bodies which are regularly recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of the applicable law.'

Directive 2006/115

13 Directive 2006/115 concerns rental right and lending right and certain rights related to copyright in the field of intellectual property.

Directive 2006/116

14 Recital 11 of Directive 2006/116 states:

'The level of protection of copyright and related rights should be high, since those rights are fundamental to intellectual creation. Their protection ensures the maintenance and development of creativity in the interest of authors, cultural industries, consumers and society as a whole'.

15 According to Article 1 of that directive, entitled 'Duration of authors' rights':

'1. The rights of an author of a literary or artistic work within the meaning of Article 2 of the Berne Convention [for the Protection of Literary and Artistic Works, signed in Berne on 9 September 1886 (Paris Act of 24 July 1971), as amended on 28 September 1979,] shall run for the life of the author and for 70 years after his death, irrespective of the date when the work is lawfully made available to the public.

2. In the case of a work of joint authorship, the term referred to in paragraph 1 shall be calculated from the death of the last surviving author.

…

4. Where a Member State provides for particular provisions on copyright in respect of collective works or for a legal person to be designated as the rightholder, the term of protection shall be calculated according to the provisions of paragraph 3, except if the natural persons who have created the work are identified as such in the versions of the work which are made available to the public. This paragraph is without prejudice to the rights of identified authors whose identifiable contributions are included in such works, to which contributions paragraph 1 or 2 shall apply.

…'

16 Article 2 of that directive, entitled 'Cinematographic or audiovisual works', provides:

'1. The principal director of a cinematographic or audiovisual work shall be considered as its author or one of its authors. Member States shall be free to designate other co-authors.

2. The term of protection of cinematographic or audiovisual works shall expire 70 years after the death of the last of the following persons to survive, whether or not these persons are designated as co-authors: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic or audiovisual work.'

17 According to Article 9 of that directive, entitled 'Moral rights':

'This Directive shall be without prejudice to the provisions of the Member States regulating moral rights.'

French law

18 Article L113-3 of the code de la propriété intellectuelle (Intellectual Property Code) provides:

'A work of collaboration shall be the joint property of its authors.

The joint authors shall exercise their rights by common accord.

In the event of failure to agree, the civil courts shall decide.

Where the contribution of each of the joint authors is of a different kind, each may, unless otherwise agreed, separately exploit his or her own personal contribution without, however, prejudicing the exploitation of the common work.'

The dispute in the main proceedings and the questions referred for a preliminary ruling

19 Between 1967 and 1974, Mr Chabrol directed 14 films ('the films at issue'). Mr Gégauff collaborated on five of those films as the author of the dialogue, the screenplay or the adaptation.

20 The material relating to the films at issue belonged to their producer, SA Les Films La Boétie, which, at the time of its liquidation, transferred that material, by an agreement of 25 March 1982, to the company incorporated under English law Brinter C.

21 By means of a sales mandate dated 1 January 1990, Brinter authorised Artedis, of which MW presented herself as being the director, to sign contracts of sale directly with buyers and to receive the proceeds, for a period of 12 months, renewable by tacit agreement.

22 By an agreement of 8 June 1990, Mr Chabrol assigned to Brinter the right to 'continue to exploit' a number of the films at issue, for a period of 30 years. BS presented himself as being the director of that company.

23 Mr Gégauff's exploitation rights in respect of the five films on which he had collaborated were also assigned by four of his heirs to Brinter by an agreement of 8 June 1990.

24 By an agreement of 18 February 2012, Brinter assigned the exploitation rights for those five films to Panoceanic Films.

25 On 11 July 2019, the five heirs of Mr Chabrol and the four heirs of Mr Gégauff brought proceedings against Radio Days, Brinter, BS, MW, Artedis and Panoceanic Films for breach of contract and copyright infringement in relation to the films at issue. Those heirs, who are the applicants in the main proceedings, essentially criticise the non-existent or insufficient exploitation of those films and are claiming damages for the harm suffered as a result of contractual breaches.

26 On 27 January 2020, the defendants in the main proceedings, relying on the case-law relating to the second paragraph of Article L113-3 of the Intellectual Property Code, raised a plea of inadmissibility on the basis that 19 co-authors of those films had not been called on to participate in the proceedings.

27 In order to regularise their claims, by documents of 5 May and 12 June 2020, the applicants in the main proceedings called on seven natural persons whom they considered to be 'co-authors' or 'successors in title of co-authors' who had died previously, eight 'estates' of co-authors, in which they had not been able to identify the natural persons having the status of heirs, and two copyright collecting societies, namely the Société des auteurs et compositeurs dramatiques (SACD) and the Société des auteurs, compositeurs et éditeurs de musique (SACEM), to participate in the proceedings.

28 By an order of 9 February 2023, the tribunal judiciaire de Paris (Court of Paris, France), which is the referring court, ordered the defendants in the main proceedings, in essence, to provide identity details of the co-authors of the films at issue or of the successors in title to those co-authors.

29 Even with those details at their disposal, the applicants in the main proceedings were not able to locate and identify all the co-authors of the films at issue and their successors in title because of the number of films concerned, their age, the wide range of individuals involved and the deaths of some of those co-authors, whose heirs are unknown or do not reside in France.

30 The referring court states that, since 27 January 2020, the dispute in the main proceedings has been paralysed because it is impossible to identify the multiple successive heirs of the co-authors of the films at issue. It notes that the applicants in the main proceedings have taken significant steps to identify the co-authors or their successors in title, but it has not been possible to call on them in the proper manner to participate, as required by the national case-law on Article L113-3 of the Intellectual Property Code.

31 That court notes, first, that Directive 2001/29 requires, however, (i) that Member States provide for appropriate sanctions and remedies and (ii) that those sanctions are effective, proportionate and dissuasive.

32 That court notes, second, that the measures, procedures and remedies provided for by Directive 2004/48 are to be without prejudice to the means provided for by national legislation, although 'in so far as those means may be more favourable for rightholders' and provided that they are not 'unnecessarily complicated or costly' and do not entail 'unreasonable time limits' or 'unwarranted delays'.

33 In any event, the referring court states that Article 1 of Directive 2006/116 protects copyright, where it has passed to successors in title, for 70 years after the author's death and that that protection is extended in the case of collective works, since it is calculated from the date of death of the last surviving author of the work concerned. That is the case, in particular, of a cinematographic or audiovisual work within the meaning of Article 2 of that directive.

34 Moreover, that court observes that the Charter guarantees the right of the applicants in the main proceedings to an effective judicial remedy. According to that court, they are, in effect, prevented from having access to a court ruling on the substance of their civil claim unless they can call on all the successors in title to the co-authors of the films at issue to participate in the proceedings.

35 In that regard, the referring court states that it is not a matter of calling into question acquired rights disputed by the parties which are covered by the substantive debate, but rather, at the admissibility stage, of the very possibility of asserting those rights by means of legal proceedings. According to that court, in the present case, the exercise of copyright by the applicants in the main proceedings appears to depend on their ability to identify all the joint holders of those rights.

36 In those circumstances, the tribunal judiciaire de Paris (Court of Paris) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'(1) Can Articles [2 to 4] and 8 of [Directive 2001/29], Articles 1 to 3 of [Directive 2004/48] and Articles 1, 2 and 9 of [Directive 2006/116], 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 [on] 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 [in] a work of joint authorship, [brought] by its holder, requires, in order for it to be admissible, that all of the co-authors be [called on to participate in] the proceedings?

(2) Must the copyright holder's right to an effective judicial remedy and access to a court, [which is] a component of the right to a fair trial, as guaranteed, together, by Articles [2 to 4] and 8 of [Directive 2001/29], Articles 1 to 3 of [Directive 2004/48], Articles 1, 2 and 9 of [Directive 2006/116], [Directive 2006/115] and Articles 17 and 47 of the [Charter], 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 [called on to participate in] the proceedings?'

Consideration of the questions referred for a preliminary ruling

The admissibility of the request for a preliminary ruling in so far as it concerns the interpretation of Directive 2006/115

37 It should be noted that the questions submitted concern exclusively a procedural issue arising from the interpretation of Article L113-3 of the Intellectual Property Code, which provides that the co-authors of a work of collaboration are to exercise their rights by common accord. According to the case-law of the Cour de cassation (Court of Cassation, France), it follows from that provision that the co-author of a work of collaboration, such as the films at issue in the main proceedings, who has brought proceedings to protect his or her economic rights, is required, on pain of his or her action being inadmissible, to call on all the co-authors of the work concerned to participate in the proceedings, since that co-author's contribution cannot be separated from the contributions of those other co-authors. The referring court wishes to know, in essence, whether EU law, a number of provisions of which, including Directive 2006/115, it invokes in those questions, precludes such a requirement.

38 According to the settled case-law of the Court of Justice, the procedure provided for in Article 267 TFEU is an instrument of cooperation between the Court and the national courts by means of which the Court provides the national courts with the points of interpretation of EU law which they need in order to decide the disputes before them (judgment of 27 April 2023, *Castorama Polska and Knor*, C-628/21, EU:C:2023:342, paragraph 25 and the case-law cited).

39 It is also apparent from settled case-law that the need to provide an interpretation of EU law which will be of use to the referring court requires that court to define the factual and legislative context of the questions it is asking or, at the very least, to explain the factual circumstances on which those questions are based. The order for reference must also set out the precise reasons why the national court is unsure as to the interpretation of EU law and considers it necessary to refer a question to the Court for a preliminary ruling (judgment of 27 April 2023, *Castorama Polska and Knor*, C-628/21, EU:C:2023:342, paragraph 27 and the case-law cited).

40 In that regard, as is apparent from Article 94(c) of the Rules of Procedure of the Court of Justice, a request for a preliminary ruling must contain a statement of the reasons which prompted the referring court or tribunal to inquire about the interpretation or validity of certain provisions of EU law, and the relationship between those provisions and the national legislation applicable to the main proceedings, failing which the request will be inadmissible.

41 However, in the present case, the request for a preliminary ruling contains no indication as to how Directive 2006/115 may be relevant in order to decide the dispute in the main proceedings and does not specify the provisions of that directive of which the referring court requests an interpretation.

42 It must be concluded from the foregoing that, as regards Directive 2006/115, the order for reference does not satisfy all the requirements referred to in paragraphs 39 and 40 of the present judgment.

43 It follows from the foregoing that the request for a preliminary ruling, in so far as it concerns the interpretation of Directive 2006/115, is inadmissible.

Substance

44 It should be recalled that, according to settled case-law, in the procedure laid down by Article 267 TFEU providing for cooperation between national courts and the Court of Justice, it is for the latter to provide the national court with an answer which will be of use to it and enable it to decide the case before it. To that end, the Court should, where necessary, reformulate the questions referred to it (judgment of 18 November 2021, *A. S.A.*, C-212/20, EU:C:2021:934, paragraph 36 and the case-law cited).

45 In the present case, it is apparent from the grounds of the order for reference that the referring court's uncertainties relate, in essence, to the implications of Article 8 of Directive 2001/29, Article 3 of Directive 2004/48 and Article 1 of Directive 2006/116 for the admissibility of an action for infringement brought by some of the holders of copyright in a collective work. That court states that the requirement, laid down by the Intellectual Property Code, as interpreted by the case-law of the Cour de cassation (Court of Cassation), pursuant to which such an action is admissible only if it is brought by all those rightholders, is not satisfied in the present case, since the applicants in the main proceedings are not able to identify the successors in title to certain co-authors in a way that allows them to be notified to appear in proceedings.

46 In those circumstances, it must be found that, by its questions, which it is appropriate to examine together, the referring court is asking, in essence, whether Article 8 of Directive 2001/29, Article 3 of Directive 2004/48 and Article 1 of Directive 2006/116, read in conjunction with Articles 17 and 47 of the Charter, must be interpreted as precluding national legislation under which the admissibility of an action for infringement of the copyright in a collective work is conditional on all the joint holders of that copyright being called on to participate in the proceedings.

47 In the first place, the first sentence of Article 8(1) of Directive 2001/29 provides that Member States are to provide appropriate sanctions and remedies in respect of infringements of the rights and obligations set out in that directive and are to take all the measures necessary to ensure that those sanctions and remedies are applied.

48 Therefore, that provision merely states the requirement to establish, inter alia, appropriate remedies in respect of infringements of the rights and obligations set out in that directive, without specifying the detailed rules for bringing legal proceedings intended to ensure the protection of copyright where copyright is held jointly.

49 In the second place, as regards Directive 2004/48, Article 3(1) thereof provides that Member States must provide for the measures, procedures and remedies necessary to ensure the enforcement of the intellectual property rights covered by that directive. Those measures, procedures and remedies must be fair and equitable and must not be unnecessarily complicated or costly, or entail unreasonable time limits or unwarranted delays. Moreover, according to Article 3(2) of that directive, those measures, procedures and remedies must also be effective, proportionate and dissuasive and must be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.

50 In that regard, it must be stated that, although that Article 3 requires the establishment of, inter alia, effective procedures for ensuring enforcement of intellectual property rights, while stipulating that those procedures cannot be unnecessarily complicated or costly, it nevertheless does not contain rules applicable where copyright is held jointly.

51 In the third place, Article 1(2) of Directive 2006/116 governs the term of copyright protection by providing that, in the case of a work of joint authorship, the term referred to in Article 1(1) of that directive is to be calculated from the death of the last surviving author. Consequently, it does not address the detailed rules for bringing legal proceedings intended to ensure the protection of copyright where copyright is held jointly.

52 It follows from the foregoing that Article 8 of Directive 2001/29, Article 3 of Directive 2004/48 and Article 1 of Directive 2006/116 oblige Member States to provide for the procedures necessary to ensure the effective protection of the intellectual property rights referred to in those directives, and prohibit, in particular, procedures which would be unnecessarily complicated or costly. On the other hand, none of those articles, on its wording alone, determines the detailed rules for that protection where copyright is held jointly.

53 However, according to settled case-law, when interpreting a provision of EU law, it is necessary to consider not only its wording but also the context in which it occurs and the objectives pursued by the rules of which it is part (judgment of 27 April 2023, *Castorama Polska and Knor*, C-628/21, EU:C:2023:342, paragraph 36 and the case-law cited).

54 As regards the context of Article 8 of Directive 2001/29, Article 3 of Directive 2004/48 and Article 1 of Directive 2006/116, it must be noted that the other articles of those directives likewise do not determine the detailed rules for pursuing the remedies concerned where copyright is held jointly.

55 In particular, Article 4 of Directive 2004/48, relating to the persons entitled to apply for the application of measures, procedures and remedies referred to in that directive, does not contain any specific rules in respect of actions brought by joint holders of copyright.

56 As regards the objectives pursued, it should be noted that it is apparent from recital 4 of Directive 2001/29, recital 10 of Directive 2004/48 and recital 11 of Directive 2006/116 that those three directives seek, in particular, to provide a high level of protection of intellectual property, including copyright.

57 As regards, specifically, Directive 2004/48, according to settled case-law, the provisions of that directive are not intended to govern all aspects of intellectual property rights, but only those aspects inherent, first, in the enforcement of those rights and, second, in infringement of them, by requiring that there must be effective legal remedies designed to prevent, terminate or rectify

any infringement of an existing intellectual property right. In so doing, the EU legislature chose to provide for minimum harmonisation concerning the enforcement of intellectual property rights in general (see, to that effect, judgments of 9 July 2020, *Constantin Film Verleih*, C-264/19, EU:C:2020:542, paragraph 36, and of 11 January 2024, *Mylan*, C-473/22, EU:C:2024:8, paragraph 33 and the case-law cited).

58 Consequently, it should be held that, subject to the obligation to provide for remedies which are not unnecessarily complicated or costly, it is incumbent on the Member States, according to the principle of procedural autonomy, to lay down the detailed procedural rules governing the remedies concerned, including in situations where intellectual property rights are held jointly.

59 On that latter point, it should be noted that, according to the Court's case-law, according to that principle, it is for the domestic legal system of each Member State to determine the procedural rules for legal actions intended to safeguard the rights that individuals derive from EU law, provided, however, that those rules are no less favourable than the rules governing similar domestic actions (the principle of equivalence) and do not render impossible in practice or excessively difficult the exercise of rights conferred by EU law (the principle of effectiveness) (see, to that effect, judgments of 16 December 1976, *Rewe-Zentralfinanz and Rewe-Zentral*, 33/76, EU:C:1976:188, paragraph 5; of 17 November 2022, *Harman International Industries*, C-175/21, EU:C:2022:895, paragraph 65; and of 30 April 2024, *M.N. (EncroChat)*, C-670/22, EU:C:2024:372, paragraph 129).

60 Moreover, those procedural rules must, in any event, comply with the requirements that flow from the Charter, in particular from Article 17, on the right to property, and from Article 47, enshrining the right to an effective remedy.

61 In the present case, it is apparent from the information provided by the referring court that, under Article L113-3 of the Intellectual Property Code, co-authors of collective works are to exercise their rights by common accord and that, in the event of failure to agree, the national court hearing the case is to decide. However, the interpretation of that provision by the Cour de cassation (Court of Cassation) has the effect that an action brought by a co-author is inadmissible if not all the other co-authors or, as the case may be, their successors in title, are called on to participate in the proceedings, even if it is difficult, or even impossible, to call on them to do so owing to circumstances beyond the applicant's control.

62 In the light of the requirements recalled in paragraphs 58 to 60 of the present judgment, it is necessary to ascertain whether, in those circumstances, the procedure at issue is unnecessarily complicated or costly, and whether it may be contrary to the principles of equivalence and effectiveness and to the requirements flowing from Articles 17 and 47 of the Charter.

63 First, it is apparent from the information provided by the referring court that the requirement that all the co-authors and/or all their successors in title be called on to participate in the proceedings makes it impossible for their claims to be examined by a court, given the difficulty in identifying all the successors in title to the joint holders of the copyright concerned and, therefore, in calling on them to participate in the proceedings. It is for the referring court to determine whether, in the present case, that requirement leads to the procedure concerned [b]ecoming unnecessarily complicated and costly.

64 Second, although the case file before the Court does not suggest that there is any infringement of the principle of equivalence, as regards the principle of effectiveness, it should be borne in mind that EU law does not have the effect of requiring Member States to establish remedies other than those established by national law, unless it is apparent from the overall scheme of the national legal system in question that no legal remedy exists that would make it possible to ensure, even indirectly, respect for the rights that individuals derive from EU law, or the sole means of obtaining access to a court is effectively for individuals to break the law (judgment of 17 November 2022, *Harman International Industries*, C-175/21, EU:C:2022:895, paragraph 67 and the case-law cited).

65 In addition, it must be underlined that, in accordance with the Court's case-law, every case in which the question arises as to whether a national procedural provision makes the application of EU law impossible or excessively difficult must be analysed by reference to the role of that provision in the procedure, its operation and its particular features, viewed as a whole, before the various national bodies (judgment of 17 November 2022, *Harman International Industries*, C-175/21, EU:C:2022:895, paragraph 68 and the case-law cited).

66 However, in the present case, where serious and persistent difficulties are encountered in identifying and locating co-authors of a collective work, the fact that the admissibility of a legal action brought by the co-authors of that work who seek to protect their rights is made conditional on all the other co-authors of that work being called on to participate in the proceedings may cause the exercise of rights conferred by EU law on co-authors to be excessively difficult.

67 Third, it should also be determined whether such a situation may infringe the rights enshrined in Articles 17 and 47 of the Charter, which concern the right to property and the right to an effective remedy respectively.

68 In that regard, it should be pointed out that, under Article 17(1) of the Charter, 'everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest'. Article 17(2) provides that intellectual property is to be protected (judgment of 9 February 2012, *Luksan*, C-277/10, EU:C:2012:65, paragraph 68).

69 In that context, it should be noted that, where subject matter can be classified as a 'work' within the meaning of Directive 2001/29, it must, as such, enjoy copyright protection, in accordance with that directive, which, moreover, does not lay down any condition regarding the number of co-authors of a work of that nature.

70 It must be concluded from the foregoing that, where more than one person jointly holds intellectual property, such as copyright, in the same work, all those persons are regarded as having acquired, under EU law, the right to own that intellectual property, and are protected in the same way.

71 In those circumstances, recognition as being an author of a cinematographic work, as in the present case, constitutes a sufficient condition for exercise of the right to property, in view of the principles set out in paragraph 59 of the present judgment.

72 Moreover, it should be recalled that any person whose rights and freedoms guaranteed by EU law have been infringed must be entitled to an effective remedy, as provided for in Article 47 of the Charter. It is clear from the Court's case-law that the right to an effective remedy may be invoked solely on the basis of Article 47 of the Charter, without there being a need for the content thereof to be made more specific by other provisions of EU law or by provisions of the domestic law of the Member States, the recognition of that right, in a given case, presupposing, as is apparent from the first paragraph of Article 47 of the Charter, that the person invoking that right is relying on rights or freedoms guaranteed by EU law (see, to that effect, judgment of 17 November 2022, *Harman International Industries*, C-175/21, EU:C:2022:895, paragraph 32 and the case-law cited).

73 The Court has held that the essence of the right to an effective remedy enshrined in Article 47 of the Charter includes, among other aspects, the possibility, for the person who holds that right, of accessing a court or tribunal with the power to ensure respect for the rights guaranteed to that person by EU law and, to that end, to consider all the issues of fact and of law that are relevant for resolving the case before it (judgment of 17 November 2022, *Harman International Industries*, C-175/21, EU:C:2022:895, paragraph 61 and the case-law cited).

74 Admittedly, a restriction such as that resulting from the provisions of Article L113-3 of the Intellectual Property Code protects the rights of absent joint rightholders, affording them sufficient information to enable them to participate or not to participate in the proceedings, which contributes, in particular, to guaranteeing respect for the right to property of those joint rightholders under Article 17 of the Charter and to achieving, in relation to them, the objective referred to in paragraph 56 of the present judgment.

75 However, it would appear that those provisions have the effect that, despite the efforts made by the applicants in the main proceedings to call on all the joint copyright holders to participate in the proceedings and their diligence in doing so, it has become impossible for their claims to be examined by a court. In such a situation, the obligation to call on all of the joint rightholders to participate in the proceedings, failing which the action concerned will be inadmissible, would appear to prevent those applicants from exercising their own rights. The French Government has accepted in that regard that that obligation could, in certain cases, constitute an unreasonable requirement such as to render it impossible or excessively difficult for the applicants in the main proceedings to exercise the rights conferred by EU law. As the Advocate General stated, in essence, in point 65 of his Opinion, the right of the joint rightholders to protect their copyright must not be made subject to procedural requirements that are impossible or very difficult to comply with, which would amount, in practice, to the neutralisation of that right to protect copyright and would infringe the fundamental right guaranteed in Article 47 of the Charter.

76 Subject to verification by the referring court, it therefore appears that the interpretation and application of the procedural requirements imposed on the applicants in the main proceedings, in the light of the particular circumstances of the dispute before that court, may be such as to render the procedure concerned unnecessarily complicated and costly and to infringe both the principle of effectiveness and Article 47 of the Charter.

77 If the referring court were to find that it is not possible to interpret its national law in conformity with EU law, it would be required to ensure, within its jurisdiction, the judicial protection for individuals flowing from Article 47 of the Charter, and to ensure the full effectiveness of that article by disapplying, if need be, the national provisions concerned (see, by analogy, judgment of 25 November 2025, *Wojewoda Mazowiecki*, C-713/23, EU:C:2025:917, paragraph 76 and the case-law cited).

78 In the light of all the foregoing considerations, the answer to the questions referred is that Article 8 of Directive 2001/29, Article 3 of Directive 2004/48 and Article 1 of Directive 2006/116, read in conjunction with Articles 17 and 47 of the Charter, must be interpreted as not precluding national legislation under which the admissibility of an action for infringement of the copyright in a collective work is conditional on all the joint holders of that copyright being called on to participate in the proceedings, provided that the interpretation and application of that legislation do not render the procedure provided for unnecessarily complicated or costly and that that procedure does not render it impossible or excessively difficult for that action to be brought by only one or some of the co-authors. The national court must, in any event, guarantee respect for the right to effective judicial protection enshrined in Article 47 of the Charter.

Costs

79 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (First Chamber) hereby rules:

Article 8 of 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, Article 3 of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights and Article 1 of 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, read in conjunction with Articles 17 and 47 of the Charter of Fundamental Rights of the European Union,

must be interpreted as not precluding national legislation under which the admissibility of an action for infringement of the copyright in a collective work is conditional on all the joint holders of that copyright being called on to participate in the proceedings, provided that the interpretation and application of that legislation do not render the procedure provided for unnecessarily complicated or costly and that that procedure does not render it impossible or excessively difficult for that action to be brought by only one or some of the co-authors. The national court must, in any event, guarantee respect for the right to effective judicial protection enshrined in Article 47 of the Charter of Fundamental Rights.

[Signatures]