

Switzerland: Closing of a terrace, Federal Supreme Court of Switzerland, 1st Civil Law Chamber, ATF 142 III 387, 19 April 2016

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A full report of this case has been published on Kluwer IP Law.

The Supreme Court held that in order to decide whether there has been an infringement of the personality rights of an architect by modifications to his work, it is necessary to establish the degree of intensity of relationship between the architect and his work and to take into account the importance and the nature of the alteration, as well as the exposure of the work. The court then went on to weigh up the balance of interests between the moral right of integrity of an architect and the right of modification of the owners of a family house.



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