

Kluwer Copyright Blog

Dr. Ludsky and the preliminary injunction

Martin Husovec (London School of Economics) · Tuesday, November 6th, 2012



The second season of the popular Slovak TV series “Dr. Ludsky” was enjoined from being distributed and communicated to the public after authors of the film treatment filed for a preliminary injunction.

Dr. Ludsky is a “Dr. House-style” Slovak series that became quite popular in the last two years. The series as such is based on a work of co-authorship of the authors Stanislav Dan?iak and Roman Olešák (original authors), who created the entire characters, environment of the series, its plot and entire film treatment for the first season of the series. They exclusively licensed their work to Slovenská produk?ná a.s., the production house of TV JOJ, the second biggest commercial TV channel in Slovakia. The production house adapted the original work into a screenplay and filmed the first season of the series. As the series received overall positive feedback, the production house decided to continue and to film also the second season.

After brief negotiations with original authors however, the production house decided to stop the negotiations entirely and to hire a new team, probably cheaper one, who would assist with the adaptation of the second season of the TV series. The original authors thus suddenly had no control about the future changes of their work. Several months later, the original authors learnt that the production house was completing its filming stage of the second season. They regarded this situation as a threatened infringement and thus sued the production house, asking also for the preliminary injunction.

Just last month, the injunction granted by the District Court Bratislava was confirmed also on the appeal before the Regional Court Bratislava. Both courts were of the opinion that plaintiffs enjoy the copyright protection to their expression of a film treatment and that the distribution and communication to the public of an adapted work, which is based on original work of plaintiffs, requires their subsequent license. The license, which the production house obviously did not have. Furthermore, the appellate court also opined that without the original two authors being able to exercise their author’s correction, the second season could also infringe upon their moral rights.

The evidence of the preparatory acts for the new season, which were published on the website,

were deemed to be enough to provide for the likelihood of threatened infringement. The actual form of the second season wasn't part of the preliminary assessment before the court. The issued injunction now prohibits the publishing house to distribute and communicate to the public the entire second season of the series "Dr. Ludsky".

But the story wouldn't be complete without the reaction of the defendant and TV JOJ. Just few hours after the appellate decision became to be publicly known, they announced that in the second season, they will only change the name of the series and of the main character to "Dr. Dokonaly", but will definitely continue with their broadcasting intents. Certainly a very "creative reading" of the said injunction.

At least, the stubbornness of the production house may produce some interesting and beneficial at the end: a new case on copyright protection of plots, characters and film treatments in Slovakia.

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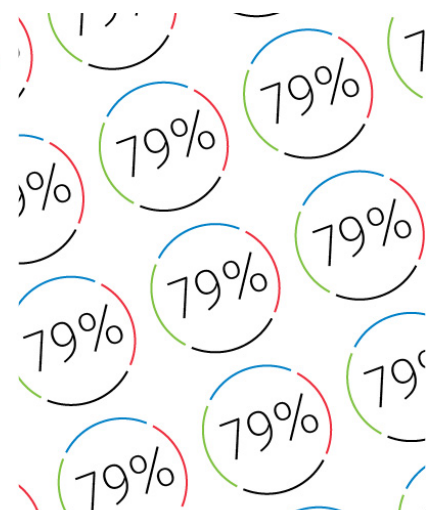
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