

French Court Declines Jurisdiction in Libel Case over Book Review

Yesterday, a Paris criminal court declined jurisdiction over the proceedings initiated against Joseph Weiler for a book review published on his website (original judgment available [here](#), Weiler offers translation of part of it [here](#)).

We [had reported](#) earlier on this case: an Israel based scholar had initiated criminal libel proceedings in France against Weiler, a U.S based law professor, for the online review of her book by the Dean of Cologne law school.

Jurisdiction

The court settled the case on jurisdiction. It held that no evidence had been provided that the site was accessible and actually consulted in France within 3 months of the publication of the book review. 3 months was the time period within which criminal libel proceedings can be prosecuted under French law. The “plaintiff” had only provided evidence of the accessibility of the site more than 110 days after such date.

Abuse of Right

The court then moved on to entertain Weiler’s counter claim. Weiler had filed a counter tort action for abuse of the right to sue.

The court found that there had been such abuse. First, the “plaintiff” had explained that she had sued in France because it was cheaper, and because the claim had no chance of being successful anywhere else. The court held that this was forum shopping. Secondly, the court found that the plaintiff should have known that she had no chance on the merits. Importantly, the court held the review, which was moderate, expressed a scientific opinion.

Weiler had asked for € 10,000 in damages. He got € 8,000.