

## **The Offence to religious beliefs: comparing protection systems, copyright law vs industrial law**

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Albeit blasphemous, an intellectual work is always wholly protected, as opposed to a trade mark which, when conflicting with morality or "*ordre public*", is subjected to an absolute ground of registration refusal.

When it comes to mandatory rules, it is well known how in the European framework the protection of copyright and that of trademarks take different paths.

The absence of provisions in the copyright legislation when it comes to the "potential immorality" of a work, makes the author's property inviolable. Such an approach is difficultly reconciling with the industrial law regulatory approach. In the latter, any offensive sign towards religious beliefs wholly overthrows an entrepreneur's exclusive rights.

Starting with the comparison of some judicial decisions of the two protection systems, the proposed study aims at finding in the implications of the different constitutional guarantees (respectively, those of the creative activity and those relating to the industrial one), the justification for what might seem as an apparent disparity of treatment as against the guarantee of a collective decency.

### References

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