

**Don't Steal my Recipe!**  
**A Comparative Study of French and U.S. law**  
**on the Protection of Culinary Recipes against Copying**

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Abstract

Food and gastronomy are at the heart of every culture. In 2010, The Gastronomic Meal of the French was listed as Intangible Cultural Heritage of Humanity by UNESCO. Interest in gastronomy became mainstream in the U.S. starting in the late '70s/early '80s. The emergence of cooking literature, television cooking, celebrity chefs, and competitive cooking programs have now permeated American and French popular culture like never before. It is also a huge business for restaurants. This article examines the legal status of recipes and culinary discoveries in U.S. and French law, and what can be done to stop others from copying your culinary recipe.

It attempts to answer the following questions: can you copyright individual recipes, or a collection of recipes, as in a cookbook? Can you patent a method to prepare a dish? What about filing for a trademark for your recipe to prevent competitors from using a similar name for your dish? What about keeping your recipe a trade secret? What other legal protections might be available? In a world of the internet, social networks and the culture of sharing can you really protect your recipes from being copied and, more importantly, should you? What are the steps needed to share a recipe properly? If you are a food blogger, and if you find your content being used without authorization, do you have any recourse? Legal, doctrinal, sociological and practical aspects will be considered in this study.

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