[DE] Munich Appeal Court rules on IPTV retransmission rights for TV programmes

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Sven Braun
Institute of European Media Law

On 2 February 2024, the *Oberlandesgericht München* (Munich Appeal Court) upheld RTL Deutschland's claim that DVB-C cable retransmission rights for free TV programmes can be licensed separately from IPTV or OTT distribution rights.

RTL Deutschland licensed its DVB-C cable retransmission rights separately from IPTV or OTT distribution rights. According to an RTL press release issued on 21 February 2024, NetCologne, a regional telecommunications service provider and cable network operator in the Cologne/Bonn region, had claimed that this practice was unlawful. In a legal dispute dating back to 2015, NetCologne had argued that the rebroadcasting of TV programmes in closed IPTV networks was a form of cable retransmission and RTL Deutschland was therefore obliged to license IPTV retransmission rights under the same conditions as cable retransmission. However, according to RTL, the court held that they should be considered separately and could therefore be regulated in separate contracts under different conditions. Broadcasters were also not obliged to conclude contracts for IPTV retransmission. The contractual conditions under which RTL was required to pass on the signals accompanying programmes unchanged, in particular HbbTV signalling, were also not objectionable. There was no right of appeal.

Pressemitteilung von RTL Deutschland vom 21. Februar 2024

https://media.rtl.com/meldung/Sender-von-RTL-Deutschland-erwirken-wegweisendes-Grundsatzurteil-zu-Weitersenderechten-von-TV-Programmen/

RTL Deutschland press release, 21 February 2024

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