[DE] Berlin Administrative Court rejects application for interim legal protection of porn platforms against state media authority blocking order

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In two decisions dated 24 April 2025, the *Verwaltungsgericht Berlin* (Berlin Administrative Court) (case nos. VG 32 L 25/25 and VG 32 L 26/25) rejected urgent applications by Cyprus-based Aylo Freesites Ltd for interim legal protection against blocking orders relating to its German-language telemedia services 'Pornhub' and 'Youporn'. The blocking orders were based on a decision taken by the state media authorities' *Kommission für Jugendmedienschutz* (Commission for the Protection of Minors in the Media – KJM) in a longstanding investigation that has also resulted in measures to restrict access to the platforms concerned.

In 2020, the *Landesanstalt für Medien Nordrhein-Westfalen* (North Rhine-Westphalia state media authority – LfM NRW) had ruled that the applicant was in breach of the *Jugendmedienschutz-Staatsvertrag* (State Treaty on the Protection of Minors in the Media –JMStV) due to the pornographic and harmful content on its platforms, issued a complaint and prohibited future distribution of the content outside closed user groups. This ruling, which was immediately enforceable, was followed by several years of legal proceedings. Aylo Freesites Ltd.'s initial action for its annulment was unsuccessful. Its appeal against the rejection of this urgent application was also dismissed by the *Oberverwaltungsgericht Nordrhein-Westfalen* (North Rhine-Westphalia Higher Administrative Court) in the last instance. No decision has yet been made in the latest appeal proceedings. In December 2023, an application to the LfM NRW to revoke the initial ruling failed. The appeal against this and an urgent appeal are still pending. Since, despite its immediate enforceability, the ruling was subsequently ignored and the imposition of a EUR 65,000 fine against Aylo Freesites Ltd. also had no effect, the state media authorities decided to take joint action against Germany-based access providers in order to prevent the distribution of pornographic content. An urgent application filed as a preventive measure to stop a blocking order was rejected by the *Verwaltungsgericht Düsseldorf* (Düsseldorf Administrative Court) as inadmissible because the applicant could reasonably be expected to wait for any such orders to be issued and then defend itself before the courts.

In decisions dated 2 April 2024, the *Medienanstalt Berlin-Brandenburg* (Berlin-Brandenburg media authority – mabb) ordered access provider Tele Columbus AG to block access to the aforementioned pornographic telemedia content in

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Germany. The mabb was competent because the registered office of the access provider, which complied with the request, was in Berlin. The applicant filed an action against the mabb's decisions in October 2024, before applying for interim legal protection in January 2025. The Berlin Administrative Court dismissed both of these applications regarding the blocked content as inadmissible. It found that the applicant did not need legal protection because it would not gain any legal or factual advantage from such protection. After all, the applicant was already obliged by the initial, immediately enforceable ruling not to distribute its telemedia offering. Even its pending action against the ruling and application for its annulment did not change its obligation to comply with it. The blocking orders against which the two current proceedings are directed were based solely on the applicant's continued refusal to comply with the initial ruling. The court also found that the application for legal protection was contrary to the principle of good faith and rules prohibiting the abuse of procedural rights. It emphasised that the continued and persistent disregard of child and youth protection provisions, to which the legal system attached paramount importance, was reprehensible. The blocking order did not go beyond the LfM NRW's original ruling, which had prohibited the dissemination of the telemedia services concerned, even though the applicant had been offered alternative measures such as age verification or removal of the disputed content. In this regard, the court held that the applicant had disregarded the original ruling for years and that its promise to obey the law in future was speculative and unsubstantiated. With its decisions, the Berlin Administrative Court made it clear that urgent legal protection should not be granted in the event of continued and persistent refusal to comply with applicable law.

The decision follows a series of other court rulings on the enforcement of child and youth protection regulations against international platforms that host pornographic and harmful content and are based in another EU member state, and shows that blocking orders can also be issued against German access providers in the event of infringements.

Link zur Pressemitteilung der Medienanstalt Berlin-Brandenburg vom 28.04.2025

https://www.mabb.de/uber-die-mabb/presse/pressemitteilungen-details/verwaltungsgericht-berlin-findet-klare-worte-gegenueber-pornoplattformen-sperrverfuegung-der-mabb-wird-gerichtlich-bestaetigt

Link to the press release of the Berlin-Brandenburg media authority of 28 April 2025

https://www.mabb.de/uber-die-mabb/presse/pressemitteilungen-details/verwaltungsgericht-berlin-findet-klare-worte-gegenueber-pornoplattformen-

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