[DE] Invasion of Personality Rights during Talkshows

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Following its meeting on 23 March 1998, the General Congress of the Association of Regional Media Authorities (ALM) stated that, although the voluntary code of conduct for daytime talkshows (see IRIS 1998-9:13), drawn up by the Association of Private Broadcasting and Telecommunication Operators (VPRT), had initially had a positive impact, a significant rise in the number of problematic programmes had since been noted. Although the number of programmes dealing exclusively with sex-related topics had fallen, the main problem now was that talkshow guests were verbally abusing each other in a degrading manner. More than 20 programmes were currently undergoing more detailed monitoring, and complaints had already been received concerning five RTL talkshows. The General Congress asked the broadcasting companies to ensure, without delay, that they follow their own code of conduct fully and comprehensively when producing talkshows. A second appeal which was initially brought before the Koblenz Appeal Court (Oberlandesgericht) was concerned with the extent to which an individual's personality rights might be breached by insulting and disparaging remarks made on talkshows, and whether the broadcaster was directly liable for such offences. The subject of this case, which has since been settled out of court, was a talkshow broadcast by SAT 1 in which a woman made serious allegations against her ex-husband, who was not present in the studio. Following the broadcast, the man sued the TV company for compensation on the grounds that his personality rights had been seriously breached by the dissemination of what he claimed were false accusations to millions of people. The broadcaster denied the claim that it had thoughtlessly spread harmful allegations. It believed that it had sufficiently fulfilled its duty to carry out careful research. Since the case has been settled out of court, the question remains unanswered as to whether and to what extent a television broadcaster is responsible for the claims made by talkshow guests.

Beschluß des OLG Koblenz, Az. 4 U 856/98.

Judgement of the Koblenz Appeal Court, file no. 4 U 856/98.

Verletzung von Persönlichkeitsrechten in Talkshows.

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