[DE] Comic Translations Protected by Copyright Law

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In a judgement of 15 September 1999, the 1st Chamber of the Federal Supreme Court (BundesgerichtshofBGH) ruled that translations of dialogue in comics are protected by copyright law as original pieces of work.

The Court therefore upheld the complaint of a translator who, on behalf of a publishing company, translated seventy volumes of Walt Disney comic Lustige Taschenbücher from Italian into German between 1976 and 1994. The reason for her complaint was the fact that the publishing company had reprinted the works translated by the applicant up to twelve times without her express agreement. Moreover, the translated stories had also appeared in other comic books. The applicant claimed that her copyright had been breached and demanded information about how many subsequent editions had been published and in what other series her translations had been used.

The Court ruled that the applicant's translations were personal intellectual creations protected by §§ 2.2 and 3 of the Copyright Act (Urheberrechtsgesetz). Thus, the Copyright Act was deemed to cover translations not only of serious literary works, but also of comic dialogues. With regard to literary works, copyright law also afforded a small amount of protection to individual creations. The translation of comics demanded a great deal of sensitivity and a certain level of linguistic expression. The nuances of the original had to be reproduced as well as the meaning. Given the limited amount of space available in speech balloons, the translator must explain the situation in very few words while sticking to the linguistic register typical of such stories. Furthermore, the translations must be clear enough for children to understand, since they were the main readers of comics. In short, this kind of translation was also protected by copyright law.

These criteria demonstrate not only that similar considerations can apply to translations produced in the context of audiovisual works, but also that copyright laws are therefore likely to cover "less serious" broadcasts.

Urteil des BGH vom 15. September 1999, Az. BGH I ZR 57/97.

Judgement of the Federal Supreme Court (Bundesgerichtshof BGH), 15 September 1999, case no. BGH I ZR 57/97.

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