[DE] Internet Links Protected by Copyright

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In a final judgement of 4 August 1999, the Landgericht Köln (the Cologne District Court) ruled for the first time that a collection of Internet links was protected by copyright. The Court upheld the claim of the applicant, who operates a free Internet database and information service on subjects relating to parents, children and families, containing addresses, contact details and descriptions of initiatives, organisations and self-help groups. The main part of the applicant's web site is a database, from which individual information pages can be accessed. The service also contains an alphabetical list of 251 links to further parent/child initiatives. The defendant also operates an information service for parents and children and her list of links exactly matched that of the applicant, except for 12 entries. Both lists used identical spelling, punctuation and abbreviations, and even made the same spelling and punctuation errors.

The District Court upheld the complaint. It assumed that the defendant had merely copied the applicant's list of links. It decided that the applicant's claim for an injunction was justified under Article 97.1.1 in conjunction with Art. 87a of the Urheberrechtsgesetz (the German Copyright Act - UrhG) and Art. 97.1.1 in conjunction with Articles 87b.1.2 and 87a of the Copyright Act, since the collection of links, even as a simple database which was not a "work" in itself, was protected by Articles 87a ff. of the Copyright Act (this protection is guaranteed as a sui generis right by Articles 7 ff. of the Database Directive 96/9/EC). Moreover, the collection of links constituted a database because the information was listed systematically and in alphabetical order and because users could gain access to individual pieces of data. Furthermore, the applicant must have invested considerable resources in drawing up the list. Even the task of thoroughly verifying the content of a database could be considered a considerable investment, since the applicant had spent a great deal of time, effort and energy in creating the database. The qualitative value of the database was also to be taken into account in the evaluation of the investment required; this also suggested that the investment had been considerable. The claim under Articles 97 and 87b.1.2 of the Copyright Act was also substantiated. By copying some of the 251 links contained in the applicant's list, which users could click on at any time on the Internet, the defendant was automatically distributing this part of the database. This did not constitute a normal use of the applicant's database, since the defendant did not use the links to obtain information herself, but for the same purpose as the applicant, without having to invest the same amount of resources and expense.

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Urteil des Landgerichts Köln vom 4. August 1999, Az. 28 O 527/98.

Judgement of the Landgericht Köln (the Cologne District Court), 4 August 1999, file no. 28 O 527/98.

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