[DE] Householders' Rights on the Internet

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In a ruling of 3 March 2000 (case no. 10 O 457/99), the Landgericht Bonn (Bonn District Court) decided that an Internet user could only be banned from a chatroom if he or she had expressly broken the common code of conduct (known as "chatiquette").

The District Court rejected the application of a chatroom operator, who had wanted to ban the defendant from his virtual business premises. The defendant had been involved in an argument with another chatroom user. The applicant prohibited the defendant from using his chatroom, but the latter subsequently ignored the ban. The applicant claimed that, by using his chatroom, the defendant had caused him harm, since regular users had stopped using the service, believing it to be too confrontational or unpleasant. He therefore thought he was entitled, on the grounds of his virtual householder's rights set out in Article 1004 of the Bürgerliches Gesetzbuch (German Civil Code - BGB), to an injunction against the defendant.

The District Court disagreed. It was true that the rules governing the property of a "virtual householder" should apply in such a way that the owner could, in principle, carry out his affairs as he wished and freely choose who should have access to his property (Article 903 BGB). However, this was not the case if the owner opened his affairs to the public, for example. In such instances, the owner would grant general authorisation to enter without checking individual applications, provided the visitor gave no cause for that permission to be withdrawn. In this particular case, the applicant had invited all Internet users to use his chatroom software. He had exercised no specific control over access, nor had he set out binding conditions that users of the site had to meet. Neither did any provisions of so-called "chatiquette" officially regulate the use of the service. Consequently, the applicant was deemed to have granted a general authorisation which he could not withdraw by arbitrarily exercising his rights as a "virtual householder". Since the defendant had neither interfered with the functioning of the service nor used the software in a different way to normal chatroom behaviour, the Court thought this was an arbitrary attempt by the applicant to exercise these rights.

Urteil des LG Bonn vom 3. März 2000, Az.: 10 O 457/99

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Judgement of the Bonn District Court, 3 March 2000, case no. 10 O 457/99.

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