[DE] Court Rules on Claim to Right of Reply

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Wolfram Schnur
Institute of European Media Law (EMR), Saarbrücken/Brussels

On 8 June 2000, the Oberlandesgericht Stuttgart (Stuttgart Regional Court of Appeal - OLG) rejected an appeal against a decision by the Landgericht Stuttgart (Stuttgart District Court - LG).

The LG Stuttgart had rejected the applicant's claim that the defendant should be obliged to broadcast a reply. The OLG upheld this decision with particular reference to the fact that the reply had not been sent to the defendant immediately. Section 10.3.3 of the SWR-Staatsvertrag (SWR State Agreement), on which the right of reply was founded, stipulates that a demand for a reply to be broadcast need only be granted if it is submitted immediately, or within two months at the most. In deciding whether, in this case, the applicant's right to a reasonable period of reflection outweighed the media's need to keep its content up-to-date, the Court attached particular importance to the frequency with which the programme concerned was broadcast. It considered it both necessary and reasonable that a reply to a television programme shown every three weeks should be received in due and correct form within two weeks of the programme being shown. However, in the Court's opinion, a draft reply sent within the prescribed period did not fulfil the requirement for immediate action. Material became out of date more quickly on television than in the printed media. In this particular case, since the request for a reply had been made so late, it would not have been possible to broadcast it until the next programme but one.

Urteil des OLG Stuttgarts vom 8. Juni 2000, Az. 4 W 26/2000

Judgement of the OLG Stuttgart, 8 June 2000, file no. 4 W 26/2000

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