[AT] Copyright of Web Pages and Websites

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According to established case-law, whether an intellectual creation and, therefore, an "original work" exists in the sense of the Urheberrechtsgesetz (Copyright Act), is a legal question which, in cases of dispute, is decided in the final instance by the Oberster Gerichtshof (Supreme Court - OGH). The OGH has recently been asked to rule on the originality of web pages and websites. Firstly, it decided that the layout of a web page is protected as commercial art (and therefore as a work of art) if it is an original creation. However, there is no copyright protection for purely manual, routine pieces of work based, for example, on the standard layouts contained in web page construction software and which display no individual creativity.

A second ruling concerned a website (ie a collection of web pages). If several web pages are independent from one another in terms of content, but are connected to one another via "links" and form a systematically arranged Internet site, they constitute a database, provided they are a unique intellectual creation.

Beschluss des OGH vom 24. April 2001, Aktenzeichen 4 Ob 94/01d

http://www.ris.bka.gv.at/jus/

OGH decision, 24 April 2001, case no. 4 Ob 94/01d

Beschluss des OGH vom 10. Juli 2001, Aktenzeichen 4 Ob 155/01z

http://www.ris.bka.gv.at/jus/

OGH decision, 10 July 2001, case no. 4 Ob 155/01z

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