[DE] Patent Office in Legal Dispute with Presse-Monitor Deutschland GmbH & Co. KG

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On 4 March 2002, the Deutsche Patent- und Markenamt (German Patent and Trade Mark Office - DPMA) issued an order against the Presse-Monitor-Gesellschaft (press monitoring company - PMG), instructing it to cease its business operations with immediate effect. PMG is run by the Verband Deutscher Zeitschriftenverleger (Union of German magazine publishers - VDZ) and the Bundesverband Deutscher Zeitungsverleger (Union of German newspaper publishers - BDZV), in partnership with several publishing companies. PMG constructs electronic press databases from over 90 newspapers and magazines and sells them to companies, authorities and other institutions. The publishers transfer their rights in their articles to PMG which, in return, distributes among the publishers the profit it makes from the databases. The German Patent and Trade Mark Office considers that the PMG is therefore acting as a copyright fees collecting company and should be licensed to do so. However, since it began this activity, PMG has not applied for such authorisation. PMG immediately appealed against the Patent Office's decision and took its case to the Verwaltungsgericht München (Munich Administrative Court) when the Patent Office refused to withdraw its order that operations should cease immediately. The Patent Office then said it was prepared to postpone enforcement of the order until the Court decided whether it should be lifted, enabling the company to continue operating for the time being.

At the request of PMG, a temporary order was also issued against the German Patent and Trade Mark Office. The Munich Administrative Court found that the press release of 8 March 2002, in which the DPMA informed the public about the issuing of the order, amounted to an illegal breach of PMG's business activities, insofar as the court of first instance had yet to decide on the appeal and related legal petitions.

Pressemitteilung des Deutschen Patent- und Markenamtes vom 21. März 2002

Press release of the German Patent and Trade Mark Office of 21 March 2002

Beschluss des Verwaltungsgerichts München vom 15. März 2002

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Decision of the Munich Administrative Court of 15 March 2002

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