[NL] Order for Closure of Website Containing Harmful Content

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On 25 April 2002, the President of the District Court of Amsterdam ordered XS4ALL (a Dutch Internet service provider) to take measures to deny access to a website which contained information that was harmful to the plaintiff, Deutsche Bahn AG (DB, a railway company), and furthermore, to provide the plaintiff with the names and addresses of the website-holders.

The offending sections of the website contained information given by a group of left-wing activists on how to disrupt and sabotage the German railroad network that is used by DB. Among other things, they described exactly how to fabricate a tool with which one can vandalise the overhead contact wires of the railroad network. DB stated that this information was harmful to the company and that it suffered damage as a result. It urged the Court to order XS4ALL to block entry to the website and in addition, to order XS4ALL to provide DB with the names and addresses of the sites' users.

The President of the District Court ruled that the information was indeed harmful to DB: it emerged from the facts that, with help from the means described in the offending sections of the website, one is able to disrupt the railway traffic in Germany. The texts gave rise to a plausible threat that such damage would actually be caused. Now that the illegal character of the information has been determined, XS4ALL, as the service provider, is obliged to take action.

The surrendering of the names and addresses of all users, including the websites' visitors, would, in the President's view, be too drastic a measure, as simply consulting the website would not amount to an unlawful action as such. The claim of DB was therefore only allowed insofar as it regarded the website-holders.

Rechtbank Amsterdam, 25 april 2002, LJN-nummer: AE 1935, Zaaknr: KG 02/790 OdC

http://www.rechtspraak.nl/uitspraak/frameset.asp?ui_id=33646

Decision of the District Court of Amsterdam of 25 April 2002, LJN-nummer: AE 1935, Zaaknr: KG 02/790 OdC

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