[DE] Temporary Injunction against Software for Free TV Stream

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On 26 April 2005, a large German pay-TV broadcaster was granted a temporary injunction by the Landgericht Hamburg (Hamburg District Court - LG) against a consumer electronics company, banning it from marketing software which allows the exchange of TV programmes via the Internet.

The program works in a similar way to well-known music and video file-swapping systems. TV programmes can be exchanged all over the world with no time delay and viewed either on the computer monitor itself or on a connected TV set.

In the court's view, the company may not, for copyright reasons, offer technology that makes it possible to receive pay-TV programmes free of charge via the Internet. The company was also prohibited from advertising the software.

The company had argued that the technology only involved the transmission of data and that the manufacturers of data exchange software could not be held responsible for possible copyright infringements by users of file-swapping websites.

The consumer electronics company had won a legal dispute against a private broadcaster brought before the Bundesgerichtshof (Federal Supreme Court) in June 2004, in which the broadcaster sought a ban on the sale of another of the company's products, a so-called advertising blocker, which can cut out TV advertising (see IRIS 2004-7: 7).

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