[DE] Court Upholds Blocking Orders Imposed on Access Providers

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In a decision of 10 May 2005, the Dusseldorf Verwaltungsgericht (administrative court) dismissed the action brought by Internet access providers against “blocking orders” imposed by the regional government in Dusseldorf that prevented access to two websites with radical right-wing content, including material that glorified or played down the holocaust. The content providers or service/host providers of both websites are registered in the USA. Insofar as action taken by the German authorities against these providers in the USA was not deemed to stand much chance of success, the case brought by the applicant against the access provider, who is based in Northrhine-Westphalia was declared admissible. The Court held that the blocking of access to the corresponding websites, as requested by the applicant, was both technically possible and also reasonable. Insofar as, in the Court's view, the blocking orders were permanent administrative acts, it also had to deal with a change on the side of the applicant as a result of the entry into force on 1 April 2003 of the interstate treaty for the protection of minors in the media. It found, however, that the legality of the blocking orders was not affected in any way by the transfer of responsibility from the regional government in Dusseldorf to the Media Office for Northrhine-Westphalia, and that also from a substantive point of view they were still lawful.

The decision was therefore extensively the same as that handed down by the Verwaltungsgericht (administrative court) in Cologne on 3 March 2005 (Az. 6 K 7151/02), which also concerned an action brought by an access provider against a blocking order imposed by the regional government in Dusseldorf.

Entscheidung des Verwaltungsgerichts Düsseldorf vom 10. Mai 2005, Az. 27 K 5968/02

Decision of the Dusseldorf administrative court of 10 May 2005, Az. 27 K 5968/02

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