[DE] Retransmission of TV Programmes through Online Streaming Inadmissible

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According to a decision of the Landgericht Köln (Cologne District Court) of 27 April 2005, the use of a "virtual video recorder" can represent an intrusion on the rights of a broadcaster under Art. 87.1 of the UrhG (Copyright Act).

The case followed a complaint filed by a TV company against the operator of an electronic programme guide. The programme guide included a feature whereby the user could watch TV programmes after their original broadcast time. This was made possible by the provision of storage space on the company's servers. The signal received from the broadcaster would be redirected and stored in a so-called black box, a kind of virtual video recorder, if the user to whom the storage space had been allocated had decided in advance to record the programme. The stored data was then compressed for transmission to the viewer, who could then download it. This was achieved through an Internet connection with the user's computer, via which the stored content could be transmitted using a streaming process.

In the court's opinion this meant programmes were being retransmitted to the public. It therefore granted the injunction requested by the broadcasting company, which had not transferred any exploitation rights to the programme guide operator.

Entscheidung des Landgerichts Köln vom 27. April 2005, Aktenzeichen: 28 O 149/05

Ruling of the Cologne District Court of 27 April 2005, case no.: 28 O 149/05

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