[DE] Rights regarding the Cartoon Figure “Pumuckl”

IRIS 2006-10:1/14

Nicola Weißenborn
Institute of European Media Law (EMR), Saarbrücken/Brussels

With the Munich 1 District Court’s ruling of 13th September 2006, Bavarian broadcasting as well as the production company Infafilm Gmbh have been banned from making use of the cartoon figure Pumuckl without the express admission of the rights of its creator. Indeed the creator of Pumuckl had in 1978 granted the right to the production company of using the figure for the creation of a television series of 30-minute long episodes. In following productions however, such as the first feature film or the use of the figure on the Internet and on corporate stationery, the court established that a licence had not been granted to the production company. Furthermore, authorisation for a series of a one-hour long children’s programme, which had been designed around the figure of Pumuckl, had run out at the end of 2005, yet the programme continued to be broadcast during 2006. The 21st Civil Chamber held that, in accordance with § 32a of copyright law (what are referred to as the “bestseller paragraphs”), the conditions for fairness compensation were met, according to which the creator may request that a change be made to the contract, if agreed remuneration is subsequently disproportionately small in relation to the proceeds flowing from use. In order to be able to determine appropriate post compensation, the District Court instructed that information on the extent of use of the figure and the resulting proceeds should be made available.

Urteil des Landgericht München I vom 13. September 2006, Az.: 21 O 553/03

Ruling of the Munich 1 Regional Court dated 13 September 2006, Az.: 21 O 553/03

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026