[DE] Copyright Dispute between Author and Cartoon Figure Artist

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Nicola Lamprecht-Weißenborn
Cologne Media Law Research Centre

On 24 May 2007, the *Landgericht München I* (Munich District Court I) dismissed an application for temporary legal protection that was filed by the creator of the well-known television and children's literature figure "Pumuckl" against the artist who draws the cartoon.

In a contribution to a television programme concerning a children's painting competition on the subject of "A friend for Pumuckl", the respondent (the artist) had said that Pumuckl deserved to have a girlfriend. The competition organiser also promoted this by announcing that the winner could visit the artist's studio and attend the wedding of Pumuckl and his girlfriend.

The plaintiff claimed that her moral rights had been violated and applied for an injunction prohibiting the respondent from, *inter alia* , being involved in the painting competition, from saying that Pumuckl deserved to have a girlfriend and from stage-managing his wedding.

The court first of all considered that no proof had been provided that the respondent had helped to initiate the invitation to organise the wedding or that she had been able to examine or prevent the invitation in advance. In any case, the court did not consider that the plaintiff's rights had been violated. Although the plot, the characteristic features, the performers' roles and the arrangement of scenes were protected, there was no indication in the television programme that the respondent intended to continue the Pumuckl story. The respondent's statement was protected under freedom of expression. Moreover, anyone would be free to make public reference to the idea that Pumuckl could have a relationship with a woman in his private life. As no additional episode had been produced, the work had not been distorted. The court also pointed out that since one of the Pumuckl stories was about his unrequited love for a girl, the statement that he had a girlfriend should in principle be accepted. The respondent, being the artist who drew Pumuckl, was entitled to discuss her work.

Pressemitteilung des Landgericht München I (Az.: 7 O 6358/07) vom 24. Mai 2007

http://www4.justiz.bayern.de/lgmuenchen1/presse/presse1.html

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