[DE] News Texts not Subject to Copyright

IRIS 2007-7:1/12

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In a judgment of 25 April 2007, the *Landgericht Düsseldorf* (Düsseldorf District Court) was required to rule on whether news items and texts developed in the context of journalism may be duplicated, distributed, published in an edited form, or otherwise made available to the public by third parties, either in whole or in part.

A company that distributes such texts to organisations like television and radio stations and the press had sued a non-profit-making association and its chairman, claiming that its news items had been taken and published either unchanged, or in modified form, at the association's website.

The court ruled that the news texts lacked the element of creativity required by section 2(2) of the *Urheberrechtsgesetz* (Copyright Act) and accordingly did not enjoy the copyright protection afforded by section 2(1)(1) of the *Urheberrechtsgesetz* . There was thus no restriction on the duplication and distribution of the news published by the plaintiff.

The court went on to say that written works were only subject to copyright protection if they involved the formation of the author's own creative thoughts with regard to the content concerned, i.e. if they demonstrated a particularly imaginative process of collecting, organising and arranging the subject-matter presented. The plaintiff's texts, on the other hand, had been basically limited to a description of actual events and had merely originated as a result of the nature of the subject matter. Moreover, their entire presentation had been based on custom and considerations of expediency. The texts involved a "factual news presentation that does not go beyond the scope of normal reporting in this area and is not a manifestation of a creative and characteristic thought process".

Furthermore, the court continued, only a few sentences had been taken from the plaintiff's news items, and hence they also failed to meet the legal requirements for the copyright protection of a linguistic work.

The court ruled out the application of section 49(2) of the *Urheberrechtsgesetz* (which relates to the permissible duplication of daily news from the press).

Urteil des Landgericht Düsseldorf vom 25. April 2007 (Az.: 12 O 194/06)

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http://www.justiz.nrw.de//nrwe/lgs/duesseldorf/lg_duesseldorf/j2007/12_O_194_06urteil20070425.html

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