

## [DE] Partial Success in Dispute concerning WDR Film on Contergan

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In the legal dispute concerning a television film produced on the Contergan scandal by the *Westdeutscher Rundfunk* (West German Broadcasting Corporation - WDR), the *Oberlandesgericht Hamburg* (Hamburg Court of Appeal) largely set aside four judgments on 10 April 2007 against the broadcasting of the film. In July 2006, Grünenthal GmbH, the former manufacturer of the drug Contergan (thalidomide) and the lawyer who represented the victims at that time obtained an interim injunction against the broadcasting of the film (see IRIS 2006-8: 12). The *Landgericht Hamburg* (Hamburg District Court) had regarded several parts of the script as a distortion of the historical facts and, accordingly, a violation of the privacy rights of the applicants. The court was of the opinion that the public could not distinguish between truth and fiction.

The Court of Appeal, on the other hand, primarily considered the film to be a work of art that did not claim to portray all the details of the events at that time in documentary form. Unlike the lower court, it did not base its decision on the script but on the film itself, which had been produced from the script where a number of contentious scenes had already been removed or changed.

In mid-May, the *Landgericht Hamburg* set aside two other interim injunctions against the WDR, the station that had commissioned the film, and the production company Zeitsprung. The dispute is likely to continue for some time as the proceedings on the merits of the case have only just begun before the *Landgericht Hamburg*.

