[DE] Liability for Internet Connections and Content

IRIS 2008-3:1/15

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In a decision of 20 December 2007 (case no. 11 W 58/07), the *Oberlandesgericht* (Appeal Court - OLG) of Frankfurt a.M. ruled that the owner of an Internet connection was not necessarily responsible for copyright infringements committed by a family member – in this case, so-called file-sharing infringements. Connection owners should only be held liable if they were under an obligation to monitor the Internet use of family members. Such an obligation only applied if the connection owner had actual grounds for suspecting that the connection might be used to break the law. Such grounds only existed if similar infringements had been committed in the past or if there were other reasons to suspect an intention to commit such infringements. Liability could not be based solely on the fact that copyright infringements were common on the Internet and widely reported in the media.

In another case, the OLG Frankfurt a.M. ruled on 22 January 2008 (case no. 6 W 10/08) that an access provider was not responsible for illegal websites that could be accessed using its Internet service (see IRIS 2008-2: 10). A provider of pornographic content argued that an access provider should be obliged to block its customers' access to certain search engines because they could be used to find pornographic content which, in its view, infringed provisions on the protection of minors. The court ruled that the role of Internet access providers was content-neutral.

There was therefore no obligation to block access.

Beschluss des OLG Frankfurt a. M. vom 20. Dezember 2007 (Az. 11 W 58/07)

http://web2.justiz.hessen.de/migration/rechtsp.nsf/10853CA1001B3734C12573CA0048465D/$file/11w05807.pdf

Ruling of the OLG (Appeal Court) of Frankfurt a.M. of 20 December 2007 (case no. 11 W 58/07)

Entscheidung des OLG Frankfurt a. M. vom 22. Januar 2008 (Az. 6 W 10/08)

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http://www.justiz.hessen.de/migration/rechtsp.nsf/ED4E84C2F8BA8280C12573D900361A06/$file/06w01008.pdf

Ruling of the OLG (Appeal Court) of Frankfurt a.M. of 22 January 2008 (case no. 6 W 10/08)

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