[DE] Copyright also Applies in the Online World

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In a judgment of 21 April 2008, the *Landgericht Köln* (Cologne Regional Court) ruled that copyright protected works can also be created in the context of the "Second Life" online platform.

The case concerned a virtual model of Cologne Cathedral. The court stated that a work available on an online platform could also be protected by copyright if it could be classified as one of the types of works mentioned in section 2 of the *Urhebergesetz* (Copyright Act). As long as this classification was possible, there was, the court said, no need under this section to have recourse to the notion of a potentially original "multimedia work". The court held that the use of electronic media when producing the work was not enough to make it necessary to have recourse to the indeterminate concept of a "multimedia work".

The emphasis should be on the message conveyed by means of language, pictures and sound and not on the nature of the medium in which the work was produced.

However, in this case the court refused to grant the virtual "constructor" of the landmark copyright protection: it did not consider the quality of the personal creation to be high enough and was of the opinion that the plaintiff's image manipulations were more "technical" in nature, so that the virtual cathedral could not be regarded as a work of art within the meaning of section 2(1)(4) of the Copyright Act. Nor was it possible to consider granting protection as a photograph under section 72 or as a collective work under section 4(1).

Urteil des LG Köln vom 21. April 2008 (Az. 28 O 124/08)

http://www.jurpc.de/rechtspr/20080077.htm

Cologne Regional Court judgment of 21 April 2008 (Case 28 O 124/08)

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