[DE] Liability Issues Related to Internet Use

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German courts have recently dealt repeatedly with various aspects of liability in relation to Internet use.

For example, according to a ruling of the *Landgericht (LG) München I* (Munich District Court I) of 19 June 2008, parents are responsible for copyright infringements committed by their children (who are minors) in connection with Internet use if they have failed to properly fulfil their supervisory and educational obligations. A 16-year old girl had uploaded videos consisting of copyright-protected photographs onto two web portals. In the court's opinion, her parents had failed to meet their supervisory and educational obligations. The court ruled that parents should do everything necessary, bearing in mind the age, character and personality of the child and the actual situation, to prevent the violation of legally protected rights of third parties. This included a responsibility to educate their children. Considering the potential dangers of the Internet, the court held that a PC connected to the Internet was a "dangerous object". The court was not satisfied with the parents' claim that their daughter knew more about computers and the Internet than they did themselves.

According to a ruling of the *Oberlandesgericht* (Provincial Appeal Court - OLG) in Frankfurt am Main of 1 July 2008, the operator of a WLAN only became liable once he was aware of actual abuses, rather than because of the abstract danger of illegal use by a third party. The court stressed that the WLAN only needed to be secured in a way appropriate to the situation.

In two rulings of 16 July 2008, the *Landgericht (LG) Düsseldorf* (Düsseldorf District Court) explained that Internet connection owners who operated a WLAN could be expected, at the very least, to take standard measures to encrypt the WLAN. Otherwise, the connection owner would objectively create the opportunity for third parties to commit copyright infringements (for a report on the decision of the Austrian Supreme Court in a similar case, see IRIS 2008-8: 6).

Pressemitteilung des LG München I vom 25. Juni 2008 zu seinem Urteil vom 19. Juni 2008 (Az: 7 O 16402/07)

http://www.justiz.bayern.de/gericht/lg/m1/presse/archiv/2008/01473/index.php

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Press release of the LG München I, 25 June 2008, concerning its ruling of 19 June 2008 (case no. 7 O 16402/07)

Entscheidung des OLG Frankfurt vom 1. Juli 2008 (Az: 11 U 52/07)

http://web2.justiz.hessen.de/migration/rechtsp.nsf/bynoteid/491DC84480D45962C12574810037C35A?Opendocument

Ruling of the OLG Frankfurt of 1 July 2008 (case no. 11 U 52/07)

Die Entscheidungen des LG Düsseldorf vom 16. Juli 2008 (Az.: 12 O 195/08 und 12 O 232/08)

http://www.justiz.nrw.de/ses/nrwesearch.php

Rulings of the LG Düsseldorf of 16 July 2008 (case no. 12 O 195/08 and 12 O 232/08)

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